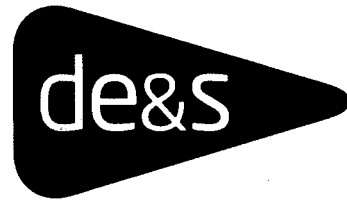




Ministry  
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Our Reference:  
FOI2018/01980

Date:  
6 July 2018

Via email:

Dear

Request for Information under the Freedom of Information Act (FOIA) 2000

Further to my email of 10 May, I am now in a position to provide you with a response to your request under the Freedom of Information Act 2000 (FOIA), in which you asked for information about the refit and maintenance periods for the Type 45 and Type 23 Frigates. You requested the following information:

1. *The number of refit/maintenance periods for each Type 23 and Type 45 in service during the period since 2008.*
2. *The length of each maintenance/refit period for each Type 23 and Type 45 in service during the period since 2008.*
3. *The costs of each refit period/event for each Type 23 and Type 45 in service during the period since 2008.*
  - A. *The information has been released sporadically since 2003, hence there can be i) no operational sensitivities, ii) commercial concerns.*
  - B. *Cost data has been released as part of i) Written Answers in the Houses of Commons and Lords, ii) as MoD press releases, so there can be no commercial sensitivities.*
  - C. *The data is i) held centrally, ii) electronically, as is proved via the following Written Answer, 6 February 2018 HL5236, asked by Lord Moonie. As such, the issue of cost should be nugatory, and well within the £600 threshold.*

I apologise for the time taken to respond to your request.

Your correspondence has been treated as a request for information under the FOIA. I can confirm that the Ministry of Defence (MOD) holds some of the information that you have requested, and this is attached at Annex A to this letter; you will note that for Type 45 the information could be provided only from 2010-2017.

Defence Equipment & Support

You are aware that there are provisions in the FOIA under which certain data is exempt from release. I believe that the information you have requested about the number and length of maintenance periods falls within the scope of the qualified exemption under Section 26 (1) (a) and (b) (*defence*). As this exemption is qualified, it was necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemptions outweighed the public interest in disclosure. The decision to release or withhold the information depended on where the balance of public interest lay and an assessment of the public interest factors on both sides of the argument has been undertaken.

The Public Interest Test has now been completed and I can advise you that the balance of public interest was found to be in favour of withholding the number and length of Type 23 and Type 45 refit/maintenance periods. Section 26 (1) provides that information is exempt if its disclosure would (a) prejudice defence or (b) the capability, effectiveness or security of relevant forces. The FOIA contains a presumption in favour of disclosure and the MOD recognises that there is a public interest in the release of information regarding our ability to provide equipment and support that meets the needs of our Armed Forces. However, there is also a strong public interest in protecting the operational security of our Armed Forces. In keeping with this principle, information that provides insight into potential operational restrictions arising from ships' material state, or any other cause, should be withheld. In particular, providing information on the number and length of refit/maintenance periods for each ship in a class would provide a level of insight into class availability of sufficient breadth that it would be prejudicial to operational security and thereby the defence of the British Islands.

It is for these reasons that I have withheld this information and set the level of prejudice against release of the exempted information at the lower level of "would be likely to" rather than "would" cause prejudice.

You will recall, in my earlier letter to you, that we were at that time considering whether some of the information should be withheld under the qualified exemption at Section 43 (prejudice to commercial interests) of the FOIA. We have conducted the Public Interest Test for that specific exemption and have concluded that it does not apply to this information, and there are no grounds to withhold information under that exemption.

Under Section 16 of the FOIA public authorities have a duty to provide advice and assistance to persons who have made requests for information. In your request you referred to a response to a written parliamentary question about the location of maintenance records (provided in February 2018 by Earl Howe). I can explain that the data held on the Unit Maintenance Management system (UMMS) is raw data held by our contractor industrial partners. It is for this reason that the MOD does not hold all the information you seek. You may also wish to note that information held by our commercial partners is outside the scope of the FOIA.

If you have any queries regarding the content of this letter, please contact this office in the first instance. If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

DE&S Policy Secretariat

Annex A – Response to FOI2018-01980

Name of Ship	Calendar years 2010 - 2017	Cost £(M)
HMS Lancaster	Programmed Maintenance	25
HMS Argyll	Programmed Maintenance	60
HMS Iron Duke	Programmed Maintenance	26
HMS Monmouth	Programmed Maintenance	39
HMS Montrose	Programmed Maintenance	54
HMS Westminster	Programmed Maintenance	15
HMS Northumberland	Programmed Maintenance	55
HMS Richmond	Programmed Maintenance	18
HMS Somerset	Programmed Maintenance	20
HMS Sutherland	Programmed Maintenance	24
HMS Portland	Programmed Maintenance	28
HMS St Albans	Programmed Maintenance	15

Name of Ship	Calendar Years 2010 - 2017	Cost £(M)
HMS DARING	Programmed Maintenance	10.0
	Unprogrammed work/repair	5.5
HMS DAUNTLESS	Programmed Maintenance	6.5
	Unprogrammed work/repair	5.5
HMS DIAMOND	Programmed Maintenance	14.0
	Unprogrammed work/repair	6.5
HMS DRAGON	Programmed Maintenance	12.5
	Unprogrammed work/repair	4.0
HMS DEFENDER	Programmed Maintenance	20.5
	Unprogrammed work/repair	4.0
HMS DUNCAN	Programmed Maintenance	4.5
	Unprogrammed work/repair	3.0