



Ministry
of Defence Police

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[REDACTED]
[REDACTED]
Our Ref: eCase: FOI 2018/12357 RFI:316/18
Date: 29 October 2018

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: ST FERGUS

We refer to your Subject Access Request form dated 5 October 2018 to the Ministry of Defence which was acknowledged by the Ministry of Defence Police on 8 October 2018.

We are treating the FOI element of your form as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your form you requested the following information:

“The remit of the MDP at St Fergus Gas Terminal, what areas are they allowed to patrol outside the Gas Plant, what the Powers of the MDP that patrol outside the Gas Plant to stop, request information about members of the public that have not been involved in any crime or RTA offence. What Powers have they to do surveillance in MD vehicles on Civilians with no criminal record, what Powers do they have to Park in various locations watching and surveilling the public.”

A search for information has now been completed by the Ministry of Defence Police (MDP) and I can confirm that we do hold information in scope of your request. I have broken your request for information down as follows:

1 - The remit of the MDP at St Fergus Gas Terminal:

To provide specialist armed policing to help protect national infrastructure establishments.

2 - What areas are they allowed to patrol outside the Gas Plant:

The information you have requested for this question has been withheld on grounds of National Security. A Public Interest Test has been carried out in relation to the information concerning the patrol areas of the MDP at this location. Although transparency and openness are vital for promoting public confidence this test has concluded that the balance strongly favours withholding the information under the following exemption:

Section 24(1) – National Security

Section 24 is a prejudiced based qualified exemption which means that the evidence of harm needs to be evidenced and the public interest considered as above. In this instance Section 24(1) is engaged because disclosure into the public domain could give those parties with criminal intent an indication of the MDP policing capabilities at that location and create a security vulnerability that could be exploited.

3 - What the Powers of the MDP that patrol outside the Gas Plant to stop, request information about members of the public that have not been involved in any crime or RTA offence:

In respect of question 3, Section 21 of the Act applies as the information is reasonably accessible by other means. Please see link below:-

<https://www.gov.uk/government/publications/mod-police-jurisdiction/mod-police-jurisdiction>

4 - What Powers have they to do surveillance in MDP vehicles on Civilians with no criminal record:

See above answer to Q3.

5 - What Powers do they have to Park in various locations watching and surveilling the public:

See above answer to Q3.

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.gov.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

MDP Secretariat and Freedom of Information Office