



Ministry
of Defence

Ministry of Defence
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Reference: FOI2019/07185

By email to: [REDACTED]

18 July 2019

Dear [REDACTED],

On 3 June 2019 you requested the following information:

My request relates to a meeting held between Michael Fallon, the then Defence Secretary, and the Policy Exchange think-tank, in December 2014 relating to the lawfare roundtable discussion of legal issues affecting the Ministry of Defence.

Under the act, I would like to request complete copies of the minutes and agenda of this meeting. I would also like to request complete copies of all and any documents (such as briefing material, letters, memos, emails, memorandums of conversations) which were prepared for or connected with this meeting, either before or after the event.

You subsequently clarified your request on 19 June 2019 as follows:

I would like to confirm that I am seeking the agenda and minutes of the Policy Exchange seminar, entitled Clearing the Fog of law which took place on December 8. I am also seeking copies of any and all documents prepared for or connected with this meeting. I suggest that you search in the records of the defence secretary and his then special advisers. I also suggest that you search for documents a month either side of the seminar.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for information within your requested date range (i.e. November 2014 to January 2015) has been carried out within the business areas of the Ministry of Defence (MOD) specified in your email of 19 June (i.e. the Secretary of State's office and his Special Advisers' office). Records held by the Directorate of Judicial Engagement Policy (DJEP), which is the business area responsible for responding to litigation claims against MOD, have also been searched for any information that was transmitted to or from the Secretary of State's office or his Special Advisers' office in relation to this seminar. I can confirm that some information within scope of your request is held and that is enclosed.

Some of the information falls entirely within the scope of the absolute exemptions under section 40 (personal data) and section 41 (information provided in confidence) of the Act and has been redacted or withheld.

Section 40(2) has been applied to some of the information in order to protect personal information, as governed by the Data Protection Act 2018. Section 41(1) has been applied to some information because to release it would constitute a breach of confidence.

Both Sections 40 and 41 are absolute exemptions and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

You have requested the agenda and minutes of the Policy Exchange seminar which took place on 8 December 2014. The agenda is contained within the documents enclosed. However, no minutes have been identified. The seminar was a Policy Exchange event so, if any minutes were to be produced, the organisers would have undertaken the task. If any minutes were produced and forwarded to the MOD, it is very likely that they would have been copied to one of the three above-mentioned business areas. As no minutes have been located following a search of those business areas, the MOD holds no information in relation to this part of your request.

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.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,

Directorate of Judicial Engagement Policy
Ministry of Defence