



Policy Legacy FOI Team
Headquarters 38 (Irish) Brigade
British Forces Post Office 825



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Reference: FOI: 2020/05812

Date: 4 November 2020

Dear [REDACTED]

REQUEST FOR INFORMATION – INFORMATION RELATING TO THE DEATH OF WILLIAM HUTCHINSON ON 22 AUGUST 1974

I can confirm that your request has been considered under the provisions of the Freedom of Information Act 2000 (FOI (A)), and the process is now complete.

You asked the following:

“Under the Freedom of Information Act 2000, I wish to request copies of any available hard copy documents in relation to the murder of William Hutchinson on 22 August 1974, in Cabragh, Co. Tyrone. The following reports are specifically requested:

***Unit Incident Report (Increp) issued by Battalion HQ 6 UDR;
ATO request for the clearance of the vehicle driven by Mr Hutchinson;
NI Report covering the period of his killing;
Weapons Intelligence Report collated by personnel from 3 Inf. Brigade Weapons Intelligence Section;
Serious Incident Report covering the whole incident from Initial Report to final clearance.”***

I can confirm that the MOD holds some information relating to the death of William Hutchinson. This information has been located in a range of documents and relevant extracts of these have been provided at Annex A.

Some of the information you have requested could be exempt under Section 23(1) of the Freedom of Information Act, which relates to the bodies dealing with security matters, although it is also possible that the information relates to none of the bodies dealing with security matters. Sections 23(1) and 24(1) are being cited in the alternative as it is not appropriate, in the circumstances of the case, to say which of the two exemptions is actually engaged so as not to undermine national security or reveal the extent of any involvement, or not, of the bodies dealing with security matters. Section 23 is an absolute exemption and, if it were engaged in this material, the MOD would not be required to consider whether the public interest favours disclosure of this information.

Any information that is not exempt from disclosure under Section 23(1) could be exempt under Section 24(1) of the FOI(A), which exempts information from disclosure if its exemption is required for the purpose of safeguarding national security. We cannot say which of the two exemptions is actually engaged, but to the extent that S24(1) might be engaged. We acknowledge the public interest in openness and transparency, but we consider that there is a stronger public interest in protecting national security.

All Police Service of Northern Ireland (PSNI) cases remain open and if new evidence comes forward the PSNI will reinvestigate. Release of these documents must be carefully considered under Section 31 (Law Enforcement) of the FOI(A).

I have completed this consideration through a public interest test including consultation with the PSNI who have advised that release of some of the information could adversely impact on any investigative process and may jeopardise any future prosecutorial process. On this basis I am withholding some of the information under Section 31 of the FOI(A).

In addition, some of the information falls within the scope of Section 38 (Health and Safety) of the FOI(A), as its release could endanger the physical or mental health of any individual or endanger the safety of any individual.

Section 38 is a qualified exemption and we have conducted a public interest test to determine whether the information should be released or withheld. The factors for this public interest have determined that whilst disclosure would demonstrate openness and transparency this is outweighed by the detrimental effect disclosure could have on those mentioned in the documents, or their family members and friends. I have concluded that whilst disclosure may be of historical interest, the health and safety of individuals must be taken into account. Some information has therefore been redacted under Section 38 of the FOI(A).

Additionally, some of the information contained within the disclosure constitutes personal information, such as names and addresses. Under FOI(A) this information is exempt under Section 40 (2) by reason of the first condition under Section 40 (3) (a) (i), as disclosure would contravene data protection principles under the Data Protection Act 2018 (DPA 2018). This is an absolute exemption and does not require a public interest test to be conducted in order for this information to be exempt from disclosure. Therefore, all personal information has been redacted.

I appreciate that this incident took place 46 years ago and the passage of time can be a factor in diminishing the applicability of exemptions to information. However, in this instance the overall balance is in favour of partial exemption.

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 FOI(A).

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

38 (Irish) Brigade FOI Team

Enc:

Annex A - Verbatim Extracts from Various Documents

Verbatim Extracts from Various Documents – Death of William Hutchinson on 22 August 1974

Director of Operations Brief Northern Ireland 22 – 23 August 1974

1. Province Statistical Summary
 - 1 civilian killed and one slightly wounded (near Dungannon)
- 4 Rural Areas
 - a. 3 Inf Bde
 1. A civilian died in hospital and another was slightly wounded when shots were fired at their van near Dungannon: they were conducting a traffic census.

3 INFANTRY BRIGADE

2. LG (POLICE DIVISION K)

3. At 2310 hours the undermentioned were sitting in a van beside the main road at GR 722604, West of DUNGANNON carrying out a DOE traffic survey when they were wounded by shots fired from the other side of the road:

CIVILIAN MURDERED

WILLIAM HUTCHINSON (Prot 30) GOLAN, KNOCKMOYLE, OMAGH 1 CIV (K)
[Redacted] OMAGH 1 CIV (W)

They were found by SF and taken to hospital in DUNGANNON. HUTCHINSON suffered GSW to the neck and died at 0225 hours. [Redacted] was not seriously wounded.

The Life Guards Log Sheet dated 22 Aug 74

Serial (a)	DTG (b)	To (c)	From (d)	Event (e)	Action (g)	Sign (h)
37	2315	Ø	Q3	Report of dead man in car in lay-by at Cabbrough 7060	RUC & SF investigating	
38	2355	Ø	Q3	Thames van found at GR 722604 see Serial 37, 2 civilian shot – 1 seriously hurt, 1 slightly. Recovered to Tyrone Hospital. DOE van on road census.	Bde info	

The Life Guards Log Sheet dated 23 Aug 74

Serial (a)	DTG (b)	To (c)	From (d)	Event (e)	Action (g)	Sign (h)
2	0020	Ø	Q3	Re Serial 38. DOE men as follows:- William Hutchinson of Golan, Knockmoyle, Omagh – VSI (30) [Redacted] Omagh slightly injured (Not DOE) Both Protestants Veh reg No [Redacted]	Bde info & asked to ensure that HQNI PR informed	
3	0500	Ø	Q3	HUTCHINSON DIED at 0225		
4	0700			PR NOTE ON SERIAL 38 1. All info has been passed to PR HQNI and IP HQNI. 2. DOE are dealing with enquiries – all questions relating to dead man/injured man should be passed to them. 3. <u>PR OFFICIAL LINE</u> : This is a civilian matter not a military one, and therefore ALL enquiries and statements should come from RUC/NI Office <u>not</u> the Army. HQNI are not and will not be making a statement unless the IRA give the story an anti – SF bias, which at present seems unlikely.		

9	1230	Ø	Q3	Serial 38. 22 Aug. 1 more empty case found. Possibly Garrard	
10	1330	Ø	Q3	Ref Serial 9 <u>RTE have arrived on the scene</u>	1. C Coy told no SF to be involved 2. PR official line repeated 3. Suggest RUC Dungannon info. 4. Bde info

**COMMANDER LAND FORCES OPERATIONAL SUMMARY
 FOR THE 2 WEEKS ENDING 28 AUGUST 1974**

TERRORIST INCIDENTS

3. Shooting Incidents.
 The Provisional IRA's criminal irresponsibility was demonstrated by the murder of a 30 year old Protestant who was conducting a traffic census near Dungannon on 22 August; the terrorists had assumed that his van was being used by SF for observation.

DIARY OF INCIDENTS 14 - 28 AUGUST 1974

Thu 22 Aug

A civilian died in hospital and another was slightly wounded when shots were fired at their van near Dungannon; they were carrying out a traffic census.

ANNEX A TO 1127 G DATED 28 AUGUST 1974

Death Logs

SER	NAME	ADDRESS	KILLED	DATE	CIV
1065	W. Hutchinson	Golan, Ormagh Aged 30 Yrs	Lay - by at Cabra (sic) Dugannon (Taking Census of M/Vehicles ex.U DR)	22 nd August 1074 (sic)	✓

1974 Continue...									
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
748	22 AUG	MR	W	HUTCHINSON	P	30	DUGANNON	SHOT	N/K

Intelligence Reports

Report Number: T300295

Dated 23/8/1974

Information	220874 At 2310 hours William Hutchinson and [Redacted] were wounded when gunmen fired at the van they were using to carry out a DOE traffic survey near Dugannon. Hutchinson later died of his wounds. [Redacted]
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Report Number: I300198

Dated: 22/08/1974

Information	William Hutchinson was killed while doing a traffic survey near Dugannon
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