

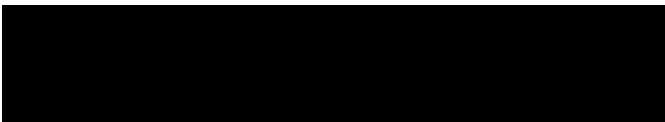


Ministry
of Defence

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Email: DES SEC-PolSec LE-JSC-WPNS@mod.uk



Our Reference:
FOI2021/13532
Date:
29 November 2021

Dear 

I am writing about your email of 7 November 2021, requesting the following information:

'I would be grateful if you could please supply any information you hold regarding a Land Rover Defender PS56AA. Could you please include any details from the Merlin system and any other subsequent source i.e. the JAMES system. I have checked your previously released Merlin disclosures but they hold minimal information on this vehicle.'

Your request has been handled in accordance with the Freedom of Information (FOI) Act 2000.

A search has been carried out of Ministry of Defence (MOD) records and it is confirmed that some information is held on your vehicle that can be released. This is enclosed, as follows:

Annex A - Transfer History
Annex B - Service History
Annex C - Inspection History
Annex D - Modification History (redacted)
Annex E – Fault History (redacted)

It has proved necessary to withhold some information in accordance with qualified exemptions of the FOI Act. Some of the Modification History (Annex D), relating to classified equipment, has been redacted in accordance with Sections 26(1) (a) and (b) (Defence) and Section 38(1) (a) and (b) (Health and Safety). Section 26 applies to information that if disclosed would or would likely; prejudice the defence of the British Islands or any colony; and/or the capability, effectiveness or security of the Armed Forces of the Crown or any forces cooperating with them. Section 38 applies to information that if disclosed would or would likely; endanger the physical or mental health of any individual; or endanger the safety of any individual.

In addition, commercially sensitive information in the Modification History (Annex D) and Fault History (Annex E) relate to contractor repair times, which have been withheld under qualified exemption Section 43(2) (Commercial Interests). Section 43 concerns information which if disclosed would or would likely prejudice the commercial interests of any person (including defence contractors and the public authority holding it).

As these exemptions are qualified, it was necessary to undertake a Public Interest Test to determine whether the balance for withholding the information outweighs that for disclosure. General

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arguments in favour of release were that full disclosure would demonstrate the MOD's commitment to openness and transparency; and make the UK Government more accountable to the electorate. The FOI Act also contains a presumption for release.

However, releasing some of the Modification History (Annex D) would divulge information that could be used to compromise the ability of UK Armed Forces to carry out operations safely; by revealing information about vehicle modifications which could assist adversaries to plan attacks against equipment and endanger the lives of personnel. Both the Fault and Modification History provide details of the time taken by MOD contractors to rectify fault reports for the vehicle concerned. This data, along with previously published information, could be used to make reasonable assumptions about hourly labour rates. As market sensitive information, this could then be exploited by commercial competitors to undercut the contractor when bidding for similar work.

Given the arguments described above, on balance, it was determined that the information should be withheld. The level of prejudice against release of this exempted information has been set at the higher level of "would" rather than "would be likely to".

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,

DE&S Secretariat