



Ministry
of Defence

Defence Equipment and Support
Secretariat
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Ministry of Defence
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Email: DES SEC-PolSec LE-JSC-WPNS@mod.uk

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Our Reference:
FOI2022/04880
Date:
16 May 2022

Dear ██████,

I am writing about your email of 19 April 2022, requesting the following information:

'I would like to know any history or information available for a vehicle which I now own.

The details are as follows

Description: Land Rover Defender 90 Soft Top Air-Droppable

Military Reg: KC 30 AA

Civ Reg: R808NDS

Chassis : SALLDAA67VA124603'

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 – KC30AA Vehicle History (Redacted)

Annex B – KC30AA Fault History (Redacted)

Annex C – KC30AA Inspection History

Annex D – KC30AA Modifications History

Annex E – KC30AA Service History

However, it has proved necessary to withhold some information relating to your request in accordance with qualified exemptions of the FOI Act. Some of the Vehicle History (Annex A), relating to classified information, has been redacted under qualified exemptions Section 26(1)(a) and (b) (Defence) and Section 38(1) (a) and (b) (Health and Safety) of the FOI Act. Some information in the Fault History (Annex B) has also been redacted under Section 43 (Commercial Interests).

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. 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).

Defence Equipment & Support

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 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 part of the history of this vehicle would publish information that could be used to compromise the ability of UK Armed Forces to carry out operations safely; by revealing information about capabilities and actions which would assist adversaries in planning attacks against personnel and equipment. This would likely endanger the lives of Armed Forces personnel and disrupt or limit military operations and capabilities. The Fault History provides details of the time taken by MOD contractors to rectify fault reports on KC30AA. 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