



# Ministry of Defence Police

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Our Ref: eCase: FOI2023/11838

RFI: 216/23

Date: 28 November 2023

Dear [REDACTED]

## **FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: MOD POLICE SLEEPING ON DUTY**

We refer to your email dated 02 October 2023 to the Ministry of Defence, which we acknowledged on the 03 October 2023.

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

In your email you requested the following information:

**I'm getting in touch regarding MOD officers at the Coulport and Faslane facilities**

**I'm interested to know how many MOD police officers based at those locations have been disciplined for sleeping while on shift over the past 10 years, between October 2013 and September this year.**

**If you could provide a breakdown of the number of disciplinaries per year and confirm how many MOD police officers are based at each of the two facilities it would be much appreciated**

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

**How many MOD police officers based at Coulport and Faslane have been disciplined for sleeping while on shift over the past 10 years, between October 2013 and September this year.**

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We have a very low number of incidents and in order to reduce the possible inadvertent disclosure of individual identities, full disclosure is withheld under Section 40 Personal Information.

Section 40(2) has been applied to in order to protect personal information as governed by the Data Protection Act 2018. Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interest test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the personal data identified for this request.

**Provide a breakdown of the number of disciplinaries per year between October 2013 and September this year.**

2013 = 0  
2014 = 0  
2015 = 0  
2016 = 0  
2017 = 0  
2018 = <5  
2019 = <5  
2020 = 0  
2021 = 0  
2022 = 0  
2023 = 0

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**How many MOD police officers are based at each of the two facilities**

We have completed a Public Interest Test, which favours withholding this information in accordance with the following exemptions:

Section 24 (1) National Security

Section 26(1) Defence

Section 31 (1) Law Enforcement

Sections 24, 26 and 31 are prejudice based qualified exemptions and there is a requirement to consider the public interest by conducting a public interest test.

Section 24(1) has been applied because although the public are entitled to know how public funds are spent and how resources are distributed within policing, releasing full information in scope of your request would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

Section 26(1) has been applied because although release of the information would demonstrate commitment to transparency, releasing information allows for the likelihood that this information could prejudice the capability, effectiveness of the Ministry of Defence Police's ability to secure establishments connected to the UK's nuclear deterrent and therefore this would prejudice the defence of the UK.

Section 31(1) has been applied because although releasing this information would lead to better public awareness of operational policing and thereby a potential reduction in crime, releasing information could allow terrorists and individuals intent on carrying out criminal behaviour, awareness of our working practices at nuclear establishments, which could hinder the prevention and detection of future crime.

If you are dissatisfied with 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). Internal review requests 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**