



**From:**  
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Mr Ben Jones  
REQUEST-13762-  
XXXXXXXX@XXXXXXXXXXXXXXXXXXX

Your Reference

Our Reference: 29-06-2009-160557-001

Date: 23 July 2009

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Dear Mr Jones

Release of Information

1. Thank you for your correspondence dated 26 June 2009, which has been considered to be a request for information in accordance with the Freedom of Information Act 2000.
2. Your request was as follows:

*If held please provide me with the departmental procedures on dealing with Freedom of Information requests, with indications of the level of Ministerial involvement and how many requests have been delayed due to being held up by Ministers.*

3. I can confirm that the Ministry of Defence does hold some of the information that you have requested. I have looked at each area of your request in turn.

**Departmental procedures on dealing with Freedom of Information requests with indications of the level of Ministerial involvement**

4. Some of this information is held by the MOD. Though it is subject to exemption under Section 21 of the FOI Act (information reasonably accessible to the applicant by other means) I have provided links and an explanation below.

5. The "Hints for Practitioners" booklet, was produced in collaboration between the Ministry of Justice (MoJ), the Department for Environment, Food and Rural Affairs (Defra), the Information Commissioner's Office (ICO) and MoD, and is published at:

<http://www.mod.uk/DefenceInternet/FreedomOfInformation/PublicationScheme/SearchPublicationScheme/HintsForPractitionersHandlingFoiAndEirRequests.htm>

6. This booklet provides details of the FOI handling process for MOD desk officers, such as the use of absolute or qualified exemptions in responses to FOI requests. Please contact me if you require a hard copy of this booklet.

7. The Ministry of Justice (MOJ) are responsible for freedom of information policy in the UK, and develop the framework for the Act to be enacted properly by public authorities, providing them with guidance and best practice. MOJ guidance is published on their

website and is aimed at people working in central government departments who deal with freedom of information requests. This is the guidance that MOD applies when responding to FOI requests and clarifies the points made in the introductory booklet mentioned above.

8. The Ministry of Justice guidance includes policy on when a decision from Ministers must be sought. The whole guidance can be found at:

<http://www.justice.gov.uk/guidance/freedom-of-information.htm>

The section that deals specifically with Ministerial involvement can be found at:

<http://www.justice.gov.uk/guidance/docs/foi-exemption-s36.pdf>

In addition, business areas are free to inform Ministers of FOI requests when they deem necessary. However, we do not hold information when Ministers were involved in particular requests.

### **How many requests have been delayed by Ministers?**

9. This information is not held.

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11. If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

12. If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely,