

Steve Elibank  
[request-51806-d6353df8@whatdotheyknow.com](mailto:request-51806-d6353df8@whatdotheyknow.com)  
(by email only)

10 December 2010

*Dear Mr. Elibank,*

**FREEDOM OF INFORMATION ACT 2000**

I am writing in response to your e-mail of 12 November 2010, in which you made the following request under the Freedom of Information Act 2000:

Please provide me with an electronic copy of any photographs you hold of the COBR/COBRA facility. I understand that some may be sensitive enough to engage the 'national security' exemption; however, some will doubtless be less dangerous.

The Freedom of Information Act 2000 obliges us to respond to requests promptly, and in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information and the public interest test is engaged, the Act allows the time for response to be longer than 20 working days, and a full response must be provided within such time as is reasonable in all circumstances of the case. We do, of course, aim to make all decisions within 20 working days, including in cases where we need to consider where the public interest lies in respect of a request for exempt information. In this case, however, we have not yet reached a decision on where the balance of the public interest lies.

In your case we estimate that it will take an additional 10 working days to take a decision on where the balance of the public interest lies. Therefore, we plan to let you have a response by 24 December. If it appears that it will take longer than this to reach a conclusion, we will keep you informed.

The qualified exemptions which apply in relation to your request are sections 24 (national security) and 38 (health and safety) of the Act. Please see attached a copy of the relevant sections for your reference.

If you are unhappy with the service you have received in relation to your request or wish to request an internal review, you should write to:

Sue Gray  
Director  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

email: [foiteam@cabinet-office.x.gsi.gov.uk](mailto:foiteam@cabinet-office.x.gsi.gov.uk)

You should note that the Cabinet Office will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Cabinet Office. The Information Commissioner can be contacted at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Please contact me if you have any queries about this letter.

*Yours sincerely,*

*Richard M...*

*P.P.* **YASMINE EDWARDS**



INVESTOR IN PEOPLE

Our ref: FOI308182

## **24 National security**

(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

(2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

(3) A certificate signed by a Minister of the Crown certifying that exemption from section 1(1)(b), or from section 1(1)(a) and (b), is, or at any time was, required for the purpose of safeguarding national security shall, subject to section 60, be conclusive evidence of that fact.

(4) A certificate under subsection (3) may identify the information to which it applies by means of a general description and may be expressed to have prospective effect.

## **38 Health and safety**

(1) Information is exempt information if its disclosure under this Act would, or would be likely to—

- (a) endanger the physical or mental health of any individual, or
- (b) endanger the safety of any individual.

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).