

From: Paul Daly



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Ref: FOI2019/05983  
FOI2019/05984  
FOI2019/05985

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10<sup>th</sup> June 2019

Dear Mr Hayes,

Thank you for your emails dated 20th May 2019 requesting the following information:

*'A document containing a record of all FOIA requests made to the Royal Air Force (FOI2019/05983), the Royal Navy (FOI2019/05984) and the British Army (FOI2019/05985) since 2010.'*

I am treating your correspondence as requests for information under the Freedom of Information Act 2000.

I am writing to confirm that MOD holds the information on the subject you have requested. However, I have to advise you that we will not be able to answer your requests without exceeding the appropriate limit.

Whilst the MoD operates a central mailbox for FOI requests, they are also received directly by focal points across the Department, including Army, Navy and Air secretariats. All requests received by the MoD are deemed to be received by the MoD as a whole and therefore a request addressed to a particular service may be allocated to a different area within the MoD if they are better placed to answer. For example, questions about equipment are most likely to be answered by Defence Equipment and Systems (DE&S) rather than the service it was addressed to. Similarly, a request addressed to another business area, where appropriate, may be answered by one of the services.

Additionally, requests received directly by one of the single services may seek recorded information relevant to the Armed Forces as a whole and as such would potentially be dealt with by the Departments Tri-service leads.

## **Section 12 (Requests where compliance exceeds the cost limit)**

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it.

To locate, retrieve and extract the recorded information in scope of your request would involve searching every request received in your timeframe and investigating each case to identify where the original request was received. As the MOD processes approximately 4-5000 requests per year, this would undoubtedly exceed the cost limits under the Act.

## **Section 16 (Advice and Assistance)**

The MOD may be able to provide some information in scope if you reduce or refine your request to bring the cost of compliance under the limit. Our current FOI recording system allows us to search FOI cases from 2011 onwards and identify the respective team who led/are leading on the response. Therefore, you may wish to refine your request to requests where Army, Navy and Air are/were the lead branch within your timeframe. Alternatively, if you are interested in particular subjects processed under FOI in respect of the three services, you could limit your request to capture responses with specific keywords.

Please note, some requests may contain exempt information e.g. personal data. Therefore, I should advise that the wide date range in your current request may need to be considered against section 14(1) of the Act, if the effort in carrying out a review and redactions is considered too burdensome. Further advice on section 14 can be found here:

<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Please contact me if you would like to refine your request or require advice on doing so.

## **Information in the public domain.**

You may also be interested to note that MOD has published FOI requests received from 2010 to 2012 on the National Archives website:

<https://webarchive.nationalarchives.gov.uk/20121019081022/http://www.mod.uk/DefenceInternet/FreedomOfInformation/DisclosureLog/RequestsReceived/>

MOD has also published responses to FOI requests where information has been released since 2014:

<https://www.gov.uk/government/collections/foi-responses-released-by-the-ministry-of-defence-2019>

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](mailto: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,

Paul Daly  
Assistant Head Information Rights team

(Original signed)