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Mr Carroll

Our Reference: 25-10-2010-151215-004

request-50030-b1f44608@whatdotheyknow.com

Date: 3 November 2010

Dear Mr Carroll

REQUEST FOR INFORMATION: RELEASE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000

Your correspondence dated 24 October 2010 has been considered to be a request for information in accordance with the Freedom of Information Act 2000. You requested the following information:

Please supply me in electronic form all information that you hold in respect of the UK produced 120mm white phosphorus shell in terms of information on contracts, Life management, safety, legality/International Humanitarian Law, composition, performance, storage, handling, transportation, training, in-service surveillance, stockpile, and usage.

I am writing to confirm that we hold information on the subject you have requested. However, to provide all the information requested will require reading through in excess of 6,000 documents, including emails, meeting reports, minutes, official communications and representations, including those held in our archive, to find references specific to your request. It is estimated that even if we allocated a minimum of 15 minutes to each file, it would cost in excess of £37,000 to provide this information. This will exceed the appropriate limit as specified in regulations and for central government is set at £600. This represents the estimated cost of one person spending three and a half working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. Under the terms of Section 12 of the FOI Act, this means that we are not obliged to comply with your request.

The MOD may be able to provide information requested if you reduce or refine your request to bring the cost of compliance under the limit. This might be achieved by limiting your request to, for example, usage, or storage, or safety of white phosphorous shells. Please contact me if you would like to refine your request or require advice on doing so.

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). 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.

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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

Karen Webb