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Ref: FOI2021/05727

28th June 2021

Mr Joseph Lloyd  
[request-761196-9b2a53eb@whatdotheyknow.com](mailto:request-761196-9b2a53eb@whatdotheyknow.com)

Dear Mr Lloyd,

Thank you for your e-mail on 30th May 2021 outlining your request for the following information:

*I wish to see a full copy of the 2016 chief of defence staff (CDS) directive on embedded personnel referenced in this article:*

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.theguardian.com%2Fpolitics%2F2021%2Fmay%2F19%2Fmod-document-approves-british-troops-for-bombing-charity-claims&data=04%7C01%7Ccio-foi%40mod.gov.uk%7Cc8ee438976bc4d5cc3b408d923830cbf%7Cbe7760ed5953484bae95d0a16dfa09e5%7C0%7C1%7C637579868021621908%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=mic8uppBAzNNHLhgq0wD7T1PHGf3w8x9CAqTfexPjF4%3D&reserved=0>

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

We have reviewed your request to see a copy of the 2016 Chief of Defence Staff (CDS) Directive on embedded personnel. While we acknowledge that there is information in this document that is in the public interest, there are several exemptions which have been applied to ensure this document is suitable for release. Exemptions at Section 23 (Information Supplied by, or relating to Security Bodies), Section 24 (National Security), Section 26 (Defence) and Section 27 (International Relations) have been applied in line with the FOIA. The released document has been attached separately.

Section 23(1) states that 'Information held by a public authority is exempt information

if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3)'. Section 23 is an absolute exemption and consequently there is no further consideration required.

Section 24 states; (1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purposes of safeguarding national security. While there is a public interest in the process by which the UK safeguards national security through its deployments and operational activity, it has been determined that the release of some of the information would be likely to assist hostile forces in building up a detailed picture of the techniques, tactics and procedures used by UK and Allied Forces personnel and therefore has been redacted. Therefore on balance, we have decided to redact this information.

Section 26(1) states that information is exempt if its disclosure under the Act would, or would be likely to, prejudice defence. Specifically, in this case, section 26(1)(b); the capability, effectiveness or security of any relevant forces. While there is a public interest in the mechanisms by which the UK undertakes operations in conjunction with our international partners, it has been determined that the release of some of the information would be likely to assist hostile forces in building up a detailed picture of the techniques, tactics and procedures used by UK and Allied Forces personnel. Such insight would assist those with hostile intent to develop countermeasures and strategies, which would place British Forces and their Allies at more risk than they otherwise might be, as well as undermining the delivery of current and future missions and tasks, including peace keeping operations. Therefore on balance, we have decided to redact this information.

Section 27(1)(a) of the Act which provides that information is exempt information if its disclosure would, or would be likely to, prejudice relations between the UK and any other State; and b. Section 27(1)(c) which provides that information is exempt information if its disclosure would, or would be likely to, prejudice the interests of the UK abroad. While there is a public interest in the relationship, agreements and conduct of operations between the UK and its international partners, the effective conduct of international relations depends on the maintenance of trust and confidence between governments. If this trust was damaged, the UK would be less able to protect and promote UK interests through international relations. It has been determined that the disclosure of information detailing our engagement with coalition partners, and potentially revealing their Armed Forces policies could damage these relationships and would reduce the UK Government's ability to protect and promote UK interests abroad. Therefore on balance, we have decided to redact this information.

Finally, Section 40 (Personal Data) has been applied as some of the information that has been withheld would reveal the identity of a current or former member of the Armed Forces. Based on the exemptions outlined above, please see the attached redacted copy of the CDS Directive in response to your FOI request.

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). 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,  
PJHQ J9 FOI Secretariat