



Ministry
of Defence



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WhatDoTheyKnow

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Our Reference: FOI2018/14212

Date: 29 November 2018

Dear Mr Van Bergen,

Your emails dated 11 November 2018 are considered to be a request for information under the Freedom of Information Act (FOIA) 2000. You requested the following:

"I hereby request the document or documents — often called memorandum of understanding (MOU) or memorandum of agreement (MOA) and any possible contracts that outline the current relationship between:

- the British Army and 'Philips Crypto,' and/or 'Philips USFA,' and/or 'NV Philips Gloeilampenfabrieken,' and/or Philips;*
- the British Navy and 'Philips Crypto,' and/or 'Philips USFA,' and/or 'NV Philips Gloeilampenfabrieken,' and/or Philips;*
- the Royal Air force and 'Philips Crypto,' and/or 'Philips USFA,' and/or 'NV Philips Gloeilampenfabrieken,' and/or Philips;*
- the British Army and Fox-IT and/or Fox-IT crypto and/or Fox-IT high assurance and/or NCC Group;*
- the British Army and 'Racal datacom ltd' and/or 'Racal'"*

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

The Ministry of Defence requires further information in order to determine whether it holds any information within the scope of your request. It is not clear, when you request *"the documents that outline the current relationship"*, whether you simply require a list of current contracts the department has with these mentioned companies or whether you require actual copies of contracts, or perhaps something else entirely.

Under Section 16 of the Act (Advice and Assistance), you may wish to note that memorandum of understandings and memorandum of agreements are bilateral or multilateral agreements made between the government and a second party. These are usually government to government, and not conventionally used as part of our contractual relationships with our suppliers.

Once you have clarified your request, I will be pleased to consider it again. Please remember to quote the reference number above in any future communications.

Finally, you are advised that any clarification will be treated as a new request and be subject to the full requirements of the FOIA. As such, any future information request, if held, may fall under FOIA exemptions.

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 Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.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.

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.org.uk>.

Yours sincerely,

DE&S Secretariat Parliamentary