



Ministry of Defence

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Mr James Morgan-Yates

request-737013-2a66d23a@whatdotheyknow.com

Ref. FOI 2021/02916

10 June 2021

Dear Mr Morgan-Yates,

Thank you for your email of 15 March 2021 requesting the following information:

"Please can you provide full information on the path being created and/or upgraded around the external perimeter of the Ash Ranges around the east perimeter north of the main gates and that comes close to the Basingstoke Canal running from the Swan pub up to the access road from Ash Vale Station.

Please include:

- 1) Full approved plans or works.*
- 2) Full breakdown of costs incurred and quotes for materials, machinery and work staff.*
- 3) The date the plans were signed off, by whom of authority and who was present*
- 4) Full scale, plan and timetable of works. Including with the plan should be all relevant information including but not limited to a communications plan, and signage.*
- 5) Full information on the tender process to procure 3rd party contractors for the work, if the work is not being done by direct DIO staff.*
- 6) Who has ongoing responsibility for the upkeep and repair of the paths and how they can be contacted if an issue should occur.*
- 7) Insurer, policy number and amount of cover for public liability insurance for the path."*

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

A search for the information has now been completed within the Ministry of Defence (MOD) and I can confirm that some information in scope of your request is held, but some of the information falls entirely within the scope of the absolute exemptions provided for at sections 40 (Personal Data) and qualified exemptions provided for at Section 43 (Commercial Interests) of the FOIA and has been redacted and withheld.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the General Data Protection Regulation and Data Protection Act 2018. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Section 43 is a qualified exemption and is therefore subject to a public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Section 43 has been applied because release of some of the information has the potential to prejudice future negotiations between MOD and contractors. The outcome of the balance of the public interest test concluded that whilst release would promote openness, transparency and a further understanding of government processes in decision making in areas relating to matter of public spending and contractual arrangements. The public interest however lay in withholding some of the information you desire, as the MOD considers disclosure of this information could prejudice the MOD's commercial relationships and impact the Department's bargaining position in the future. The interest in withholding the information therefore far outweighs the public interest in disclosing it.

The information you have requested can be found below and at annex A-C:

1. Full approved plans or works.

Please see Annex A and B.

2. Full breakdown of costs incurred and quotes for materials, machinery and work staff.

Please see Annex C.

3. The date the plans were signed off, by whom of authority and who was present.

Please see Annex A.

4. Full scale, plan and timetable of works including with the plan should be all relevant information including but not limited to a communications plan, and signage.

Information not held.

5. Full information on the tender process to procure 3rd party contractors for the work, if the work is not being done by direct DIO staff.

This information has been withheld under S.43 (commercial interests).

6. Who has ongoing responsibility for the upkeep and repair of the paths and how they can be contacted if an issue should occur?

Defence Infrastructure Organisation via Landmarc.

7. Insurer, policy number and amount of cover for public liability insurance for the path

Information not held.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to know that in relation to question four of your FOI request, I can confirm that no information is held as the project does not require the production of a full scale plan and timetable of works, however the statement of need, provided at annex A contains the information and reference required for the contractor to undertake the requested works. I can also confirm the project did not require the production of a communications plan/signage.

You may also wish to note that in relation to question seven of your FOI request, the MOD, as a UK Government department is not required to carry insurance and therefore is not required to provide public liability insurance on MOD property.

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). Please note that any request for an internal review should be made in writing 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,

DIO Secretariat