



# Ministry of Defence

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Ref. FOI 2021/13847

Dear [REDACTED]

26 May 2023

Thank you for your email of 12 November 2021 requesting the following information:

*"I am interested in finding out the following information regarding arrest, prosecution and conviction of individuals for offences committed in the scope of the following Byelaws: Aldershot and District Military Lands Byelaws (1976) Ash Ranges Byelaws (1983) Longmoor Ranges and Demolition Training Area (1982) Within the following scope: Records held from 1st Jan 2015 to date of this FOI Records held from 1st Jan 2010 to 31st Dec 2015 Records held from 1st Jan 2000 to 31st Dec 2010 Should the above scope see the cost of response rise above accepted limits then later data/information is of higher priority than older records and the scope may be limited accordingly."*

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) with regards to part of your request for information concerning convictions, and I can confirm that no information in scope of this part of your request is held.

I can advise that the MOD neither confirms nor denies whether any information in scope of your request is held concerning any arrest or prosecution.

We are not obliged to neither confirm nor deny whether we hold the information you have requested as if held its release could jeopardise any potential legal matters under Section 30(1) Criminal Investigations and Proceedings, Section 31 Law Enforcement and Section 40 Personal Data of the FOI Act.

Whilst there is a public interest in noting details of those who have been arrested and/or prosecuted under the byelaws it does not outweigh the very strong public interest in protecting the identity of those individuals and details of any potential investigations. If the MOD made a declaration under Section 1 of the FOIA, this could have an impact on any potential ongoing investigations, if there were any. Providing such confirmation could prejudice any potential ongoing investigations and may reveal data that in turn could result in a breach of the data protection act.

I am satisfied in this case that the balance of the public interest lies in the application of the neither confirm nor deny position.

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 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