



Ministry
of Defence

Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB
United Kingdom

Ref: FOI2017/04329

Email: DJEP-JRs@mod.uk

Mr Josh Hastings

Email: request-399005-a10a1737@whatdotheyknow.com

5 May 2017

Dear Mr Hastings,

Request for information under the Freedom of Information Act 2000

Thank you for your email of 4 April 2017 requesting the following information:

“Any and all documents on I wish to see any documents you hold on Dr David Christopher Kelly, CMG (14 May 1944 – 17 July 2003)”

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

I am writing to confirm that the MOD does hold information on the subject you have requested. However, I have to advise you that we will not be able to answer your request without exceeding the appropriate limit. This is because to locate, retrieve, extract information in scope of your request would involve wide-ranging searches for a variety of documents across many different departments within the MOD. A previous costs analysis for a more specific FOI request on Dr Kelly concluded it would take at least 4.5 working days to review the MOD submission to the Hutton Inquiry (the investigation into the circumstances surrounding the death of Dr Kelly) for a single area of information.

Section 12 of the Act (Cost of Compliance) makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it.

The MOD may be able to provide some information in scope of your request if you reduce or refine your request to bring the cost of compliance under the limit. You may wish to consider reducing the volume of material to be searched by introducing a date range for the information you are interested in or to narrow the scope of your request. If you are able to specify the areas of information you seek, it may be possible to identify some relevant information. Please contact me if you would like to refine your request or require advice on doing so.

Under Section 16 of the Act (Duty to provide Advice and Assistance), you may find it helpful to note that much of the material considered by the Hutton Inquiry, including the documentary evidence, is available to the public online and can be accessed by using the following link – <http://webarchive.nationalarchives.gov.uk/20090128221546/http://www.the-hutton-inquiry.org.uk/>.

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 (email 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.

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,

Ministry of Defence
Directorate of Judicial Engagement Policy