

From: Mrs S Gardiner



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FOI2016/04481

Mr Michael Lewendon
request-329592-954d67c1@whatdotheyknow.com

23 June 2016

Dear Mr Lewendon

FREEDOM OF INFORMATION ACT 2000 – INTERNAL REVIEW

1. I am writing in response to your e-mail of 1 June 2016 in which you have requested an internal review into the handling of your requests for information dated 19 April 2016. The purpose of the internal review is to consider whether the requirements of the relevant Information Rights legislation have been fulfilled. The scope of the review is defined by Part VI of the Code of Practice under Section 45 of the Freedom of Information Act 2000 (referred to hereafter as 'the Act'), which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/235286/0033.pdf.

Handling

2. In conducting my review of the handling of your request, I have focussed in particular on the following requirements of the Act:

- a. Section 1(1)(a) which, subject to certain exclusions, gives any person making a request for information to a public authority the entitlement to be informed in writing by the public authority whether it holds information of the description specified in the request;
- b. Section 1(1)(b) which, subject to certain exemptions, creates an entitlement to receive the information held by the public authority;
- c. Section 10(1) which states that, subject to certain provisions allowing extensions of time, the public authority must comply with the requirements of Section 1(1) promptly, and in any event not later than the twentieth working day following the date of receipt;
- d. Section 16(1) where it is the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, request for information to it;

3. Your request for information was received by MOD via www.whatdotheyknow.com on 20 April 2016 was worded as follows:

'What type of apparatus do the defense use to detect crafts from outer space?'

'Where or what type of distortions appeared on ALL apparatus that were in place surrounding the AWRE Burghfield? Date 11/09/2004'

4. Section 10(1) of the Act requires that you receive a response within 20 working days, and the substantive response dated 19 May 2016 was within the statutory timescale. You were advised, in accordance with Section 1 of the Act, that the MOD held information in scope of your request. You were further advised of your right to appeal, in the first instance to the MOD for an internal review, and then if still not content, to the Information Commissioner in accordance with Section 50(1) of the Act.

5. In summary, your first request was handled in accordance of Section 10 of the Act.

Substance

6. The substantive response of 19 May 2016 advised you that the MOD held information in scope of your request and provided you with some Section 16 (Advice and Assistance) advice stating that MOD maintains the missile warning sensor which operates in conjunction with the US missile warning sensor and space surveillance networks. You were also advised that no distortions were detected on MOD's apparatus on 11th September 2004 in the area surrounding the Atomic Weapons Establishment (AWE) Burghfield.

7. I should clarify that MOD only holds information in relation to the first part of your request. The missile warning sensor that was mentioned in the response is used to monitor any incoming missiles and to conduct surveillance of all other objects in low earth orbit. While its purpose is not to detect 'crafts from outer space', it was deemed to fall within the scope of your request. Under Section 21 of the Act (Information Reasonably Accessible to Applicant), information relating to this 'apparatus', can be found via the following links:

<http://www.raf.mod.uk/raffylingdales/aboutus/history.cfm>

<http://www.raf.mod.uk/raffylingdales/aboutus/equipment.cfm>

8. I am satisfied that the appropriate searches were carried out in relation to the second part of your request. However, noting your additional correspondence to MOD on 9 May 2016, I also asked for further searches to be conducted to establish if anything in scope of your request was recorded on any system in the vicinity of the AWE Burghfield that day. No information is held.

Section 16 (Advice and Assistance)

9. Section 16 of the Act sets out the duty on a public authority to provide advice and assistance, as far as it is reasonable to expect them to do so, to anyone who is considering, or has made, a request for information to it. In MOD's substantive response of 19 May 2016, you were advised that, since November 2009, the Department no longer records or retains UFO reports. However, summaries of UFO sighting reports received by

the MOD between 1997 and 2009 can be accessed on the Government website at the link below:

<https://www.gov.uk/government/publications/ufo-reports-in-the-uk>

10. On 9 May 2016, you sent a second email to MOD, providing a detailed description of your sighting on 11 September 2004. Within that you have asked:

'Was wondering if you could give any ideas on what type of trail would a time travel craft leave behind? Where would one look? What type of apparatus or instruments would show up distortions of kind. Or if you knew of any person who could answer these questions?'

Section 1 of the Act gives an applicant the right to access recorded information held by public authorities at the time the request is made and does not require public authorities to answer questions, provide explanations or give opinions, unless this is recorded information held. Under Section 16, I can advise you that MOD has no strategic interest or role regarding time-travel crafts, and has no specific capability for identifying the nature of such sightings. MOD would not know what sort of trail a time-travel craft would create, and is unaware of any person or organisation who might be able to answer your questions.

Other Issues

11. I apologise that within your substantive response the Department provided an incorrect link for the Information Commissioners Office, their link has changed recently to www.ico.org.uk and the area handling your request provided the previous address in error.

Conclusion

12. In summary I find:

- Your request was handled in accordance with the Act.
- Information in relation to the first part of your request is held by MOD. Under Section 21 (Information Reasonably Accessible to Applicant), links have been provided with this review.
- No information is held in relation to the second part of your request.

If any aspect of this review is unclear, I would be happy to explain it. If you are dissatisfied with the review, you may wish to make a complaint to the Information Commissioner under the provisions of Section 50 of the Act. Further details of the role and powers of the Commissioner can be found on his website at: <https://ico.org.uk> His address is: Information Commissioner's Office, Wycliffe house, Water Lane, WILMSLOW, Cheshire, SK9 5AF. Fax 01625 524510.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a flourish.