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Fred Dawson

Request-34136-
xxxxxxxx@xxxxxxxxxxxxxxx.xxx

Our Reference:
113216-002

Date:
23 December 2010

Dear Mr Dawson,

Request for Information under the Freedom of Information Act 2000

I am writing in relation to your following Freedom of Information (FOI) request:

Can you please let me have the annual reports from the Defence Nuclear and Environment Safety Board to the Defence Environment and Safety Board for the years 2006-07, 2007-08 and 2008-09.

This is considered to be a request for information in accordance with the Freedom of Information (FOI) Act 2000. I very much regret the time taken to respond.

I can confirm that we hold information that falls within the scope of your request. Defence Nuclear and Environment Safety Board (DNESB) reports for the years 2006 and 2007 have been published on the MOD website, and are available here:
<http://www.mod.uk/DefenceInternet/MicroSite/DES/OurPublications/HealthandSafety/DefenceNuclearEnvironmentAndSafetyBoardAssuranceReports.htm>

We aim to publish the reports for 2008 and 2009 by the end of January 2011.

Some information in these reports has been redacted under qualified exemptions S.26 (Defence), S.27(1)(a) (International Relations) and S.35(1)(a) (Formulation of Government Policy). As these are qualified exemptions, it has been necessary to assess whether the public interest is best served by release or withhold of the relevant information. This public interest test has now been carried out, and we have concluded that, in the case of S.26, although there is a legitimate public interest in the ability of the UK's armed forces to operate effectively, with a consequent public interest in the effectiveness of the equipment they use, the release of details about the design and operation of UK submarines would provide information about UK capability that would be of use to an aggressor seeking to target UK forces. This would increase their vulnerability and reduce their effectiveness. We conclude that the balance of public interest is in favour of withholding the information under S.26.

For S.27(1)(a), the arguments for releasing the information are the same as those mentioned above, but the release of the information would be likely to harm the UK's relations with those countries with which we collaborate on nuclear matters. Collaboration on such sensitive matters requires us to conform to certain behaviour to avoid causing offence to other nations and to maintain their trust. Release of this information could affect future levels of collaboration and information sharing. This is clearly not in the UK's interest and so we conclude that the balance of public interest is in favour of withholding the information under S.27(1)(a).

For S.35(1)(a), there is a public interest in the effectiveness of the development of policy in the nuclear domain, particularly in relation to the submarine programme. There is, however, a greater public interest in the MOD's ability to consider different options, and subject them to rigorous and candid assessment, to ensure that policies are developed in a sound manner, taking account of advice from different parties. We conclude that the balance of public interest is in favour of withholding the information under S.35(1)(a).

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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 Head of Corporate Information, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail 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.gov.uk>.

Yours sincerely,

DE&S Policy Secretariat