




Ministry
of Defence



DESec-FOI@mod.gov.uk 

Tyler Binge
Whatdotheyknow
request-469342-05aa75dd@whatdotheyknow.com
WhatDoTheyKnow

Defence Equipment & Support
Maple 0a #2043
MOD Abbey Wood
Bristol BS34 8JH 

Our Reference: TO2018/04827

Date: 9 April 2018

Dear Mr Binge,

I am writing to you as an identified repeated requester of vehicle histories under the Freedom of Information (FOI) Act.

Defence Equipment and Support has, until recently, responded to FOI requests for vehicle histories on the MERLIN database by releasing this information. These were often single requests for out of service vehicles, presumably from owners and enthusiasts, and we previously had no identified reason to refuse them.

Following an FOI request late last year for the entire MERLIN database, which was refused because of the burden it placed on the Ministry of Defence (MOD), concerns were raised for the first time about the potential security implications of providing vehicle history information for certain vehicles.

Further to this, MERLIN requests have become more voluminous, with multiple requests from a small number of individuals. In addition, there has also been a trend towards requests for in-service vehicle information and maintenance logs which are recorded on the live JAMES system. This has prompted us to review our processes for these requests. Following this, there are several things you should note.

Firstly, it has been concluded that the department has exceeded the cost limits of the FOI Act for individual requesters on several occasions. A recent cost calculation found that a request for 100 vehicles or more exceeds the cost limits of £600 to locate, retrieve, and collate this information. Additionally, section 12(4) of the FOI Act allows us to aggregate the costs of repeated requests. Subsequent requests for information received within 60 consecutive working days should fall within scope of section 12(4). This has not previously been applied because most requests tend to be for individual vehicles. However, having reviewed the requests of some of our frequent requesters, it is clear this has been breached on more than one occasion.

Secondly, it has also been concluded that any requests for maintenance reports from the JAMES database for in-service vehicles are likely to fall in scope of section 26 of the FOI Act because of the potential impact on the capability and effectiveness of the Armed Forces. Therefore, the public interest in releasing these will need to be considered on each occasion.

Additionally, you may wish to note that most ex-MOD vehicles will not have maintenance reports on JAMES. This is because they were cast before the JAMES system went live,

meaning no data for these vehicles was transferred over. Furthermore, when the MOD switched to JAMES, and MERLIN was archived, there was a crossover period, meaning some maintenance reports for ex-MOD vehicles appear on JAMES. However, when this data was transferred over, some of it was corrupted. Therefore, some of the JAMES reports you have been provided may be inaccurate, which was stated in our responses to you.

For these reasons, and giving the increasing burden on the MOD that these requests are causing, we will now have to take a much stricter approach to these requests. I would therefore like to take the opportunity to offer advice on how to take these forward.

Since 7 March 2018, you have submitted multiple requests for JAMES and MERLIN reports for a total of 110 vehicles. These have been aggregated together and the information will be withheld under section 12(4). Any vehicle information requests you submit before 30 May 2018 (which will be 60 working days from 7 March 2018) will be aggregated with these previous requests and will also have a section 12 response.

From 30 May 2018, you may wish to think about submitting one request, asking for no more than 100 vehicles. However, you should note that if you request both a MERLIN and a JAMES report for a vehicle, the cost calculation is double for that of an individual MERLIN request. This is because it requires two searches. Therefore, it is likely that we can only process around 50 vehicles within the cost limit. Once this request has been received, any further requests within 60 working days will be considered within the cost limit.

Should you find it useful, further guidance on how public authorities calculate the cost of compliance with the FOI Act can be found at the following link: https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf.

I am sure you will appreciate that we genuinely want to help with your requests, but our focus must remain on supporting our Armed Forces, which is why we need to ensure we are dealing with the requests in accordance with the FOI Act. I hope this clarifies the department's position on this matter. Please feel free to contact us if you have any further questions.

Yours sincerely,

DE&S Secretariat Parliamentary.