



# Ministry of Defence

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Mr Simon Brown

[request-718270-24bd08cf@whatdotheyknow.com](mailto:request-718270-24bd08cf@whatdotheyknow.com)

5 February 2021

Ref. FOI 2021/00447

Dear Mr Brown,

Thank you for your email of 14 January requesting the following information:

*"Dear Ministry of Defence, I am requesting a copy of JSP 362 - specifically the chapter(s) that deals with estate management with regards to recreational access and use. As a guide to scope of this request I believe this chapter may contain paragraphs such as: 05105. The MOD is committed to taking a positive role in Britain's wider socio-economic environment, and in the community. Where possible, MOD will seek to make our land available for public enjoyment, particularly our rural estate. 05106. The Defence Estate has a wide range of features of interest including some of the most stunning landscapes in the United Kingdom, from wild uplands to lowland marshes. The land within our management/ownership covers over 240,000 hectares (around 1% of the UK) and is a significant resource for public access, recreation and sporting use. 05107. MOD has a declared presumption in favour of safe public enjoyment of its estate. However, it must be remembered that the rural estate is held for military training purposes and therefore such access has to be compatible with operational and military training issues, public safety, security, conservation and the interests of tenants. Thus publication of the complete chapter, as outlined above, is requested."*

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) and I can confirm that information in scope of your request is held.

The information you have requested can be found enclosed at Annex A, but some of the information falls entirely within the scope of the absolute exemption provided for at section 40 (Personal Data) of the FOIA and has been redacted.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the General Data Protection Regulation and Data Protection Act 2018. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that JSP 362 has recently been superseded by JSP 850. Therefore, in order to ensure the information provided to you is current, the relevant chapter of JSP 850 (Public Access & Recreation) has been provided to answer your request.

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