

From Andrew Tranham



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CIO-SPP-Information Rights Compliance

Refs: 01-10-2012-135741-009
& 11-10-2012-105936-004

Mr D. Mackenzie
request-131522-74ffd913@whatdotheyknow.com
request-132780-b353f2a3@whatdotheyknow.com

24 April 2013

Dear *DMackenzie*,

FREEDOM OF INFORMATION ACT 2000 - INTERNAL REVIEW

1. I am replying to your emails of 8 March 2013 to the Deputy Head of Corporate Information in which you requested an internal review of the MOD's non-disclosure of information in scope of two requests you submitted under the Freedom of Information Act (hereafter referred to as 'the Act'). In your initial requests you asked for the following information:

"Can you tell me whether as part of Information Operations or any other type of operation in the UK, the MOD in any of it's forms like the DTIO/TIO or related bodies makes requests upon any shows broadcast on British television to add to or in any way edit their content?"

Can you tell me if there is a list of the different shows which have been contacted?

If you can, could you please disclose this list? If details are kept of compliance or non compliance with requests, could you please include this information also?

And:

Can you tell me whether as part of Information Operations or any other type of operation in the UK, the MOD in any of it's forms like the DTIO/TIO or related bodies makes requests upon any shows broadcast on British radio to add to or in any way edit their content?

Can you tell me if there is a list of the different shows which have been contacted?

If you can, could you please disclose this list? If details are kept of compliance or non compliance with requests, could you please include this information also?

2. I have now completed a full independent review of the handling of your requests and substance of the responses you received. The purpose of an internal review is to consider whether the requirements of the Act have been fulfilled. The scope of a review is

defined by Part VI of the Code of Practice under section 45 of the Act, which can be found at <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-of-practice.pdf>.

Handling

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

- 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;
- Section 1(1)(b) which, subject to certain exemptions, creates an entitlement to receive the information held by the public authority;
- 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;
- 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.

4. You submitted your requests on 30 September and 10 October 2012. In accordance with section 10(1) of the Act responses were due not later than 20 working days after receipt of request, in this case 26 October and 8 November 2012. You received a single response to both requests on 6 November 2012. This was inside the timescale for the latter request, but not for the former. I would like to add my apologies to those previously expressed by the Department. The initial response, which was sent to cover both requests, informed you that information was held in scope of your requests. This was in line with the MOD's obligations under Section 1(1)(a) of the Act. I find it was reasonable to combine the two requests because the MOD records information about contacts with TV and Radio in the same way and through the same processes. We apologise, however, that this response did not successfully appear at the correct location to which we sent it. You were also informed of your rights to appeal and in all other matters the response provided was compliant with the Act.

Substance

5. The body of the substantive response you received set out the MOD's general position with regard to working with the media. It did not, however, give you any recorded information held by the MOD in scope of your requests. You should have been informed that it was, under section 16 of the Act, an attempt to advise and assist you in understanding the MOD's relationship with the media. I have revisited your requests and laid out the MOD's final position below. The response below is provided in the context of your statement (in the correspondence dated 3 February 2013) that you would like the MOD to *'respond more specifically to the detail of the questions in relation to the activities of TIO.'*

6. You asked:

"Can you tell me whether as part of Information Operations or any other type of operation in the UK, the MOD in any of its forms like the DTIO/TIO or related bodies makes requests upon any shows broadcast on British television to add to or in any way edit their content?"

and

"Can you tell me whether as part of Information Operations or any other type of operation in the UK, the MOD in any of its forms like the DTIO/TIO or related bodies makes requests upon any shows broadcast on British radio to add to or in any way edit their content?"

You stated in your correspondence of 3 February 2013 that you had *'tried to be somewhat specific in referencing Information Operations and Targeting and Information Operations'* in your initial request and expressed disappointment that the Department had provided a general answer to cover all areas of the MOD. However, I do not believe this complaint has any validity. Your initial request was for any information with regard to *'Information Operations or any other type of operation in the UK'* (my underlining) and by *'the MOD in any of its [sic] forms'*. The initial response, stating that information was held by the Department was given on the basis of this wording (e.g. any type of operation by the MOD in any of its forms- again, my underlining).

7. This review has, however, been conducted in light of your demand that your request be made specific to the work of Targeting and Information Operations (TIO) (as stated above). Following this, I can confirm that no information is held in scope of this part of your request with regard to TIO. The Directorate of Media and Communications (DMC) within the MOD handles all media activity on behalf of the Department. DMC will, for example, provide solicited advice to broadcasters on military matters, inform broadcasters as to whether or not proposed programme content is accurate, or inform them if the release of information would, or would be likely to, put the lives of those on active service in danger. Other areas of the MOD are not permitted to deal directly with the media without prior DMC authorisation.

8. You also made further requests in relation to British television and British radio. These were:

Can you tell me if there is a list of the different shows which have been contacted?

If you can, could you please disclose this list? If details are kept of compliance or non compliance with requests, could you please include this information also?

You provided further clarification of these requests in your correspondence of 3 February 2013, narrowing it to whether *'TIO uses one or more lists'* of different shows which have been contacted. TIO have no contact with the media and do not hold any lists of *'the different shows which have been contacted.'* Following this, the response to your requests is that the Department holds no information in scope of your request. Again, I should inform you that DMC handles all media activity on behalf of the Department. However, under section 16 of the Act, and as your initial request asked for information referring generally to the Department and not just to TIO, I can also inform you that DMC does not hold a list of all the shows which have been discussed with broadcasters.

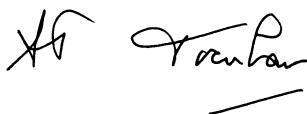
Conclusion

9. In summary, I find that:

- One of the initial requests was responded to in a timely manner, while the other one was late. The response to both met the statutory requirements set out by the Act.
- Following the refinement of your question to solely information regarding TIO, I can confirm that no information is held in scope of your request.
- The Department provided appropriate advice and assistance in compliance with the department's responsibilities under section 16 of the Act.

10. If any aspect of this review is unclear, I would be happy to explain it. If you are dissatisfied with the review, you may 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: www.ico.gov.uk. His address is: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Fax 01625 524 510.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'XG Tranter', with a horizontal line underneath.