

Ref: FOI 2020/00003

Mr Jones
request-631140-9775fedc@whatdotheyknow.com

27 February 2020

Dear Mr Jones,

Thank you for your email of 1 January 2020, which contained the following request;

"Please may I request the Minutes/RoDs of the ACMB and CEB for the calendar year 2019."

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, and I can confirm that information in scope of your request is held. The information is contained within Annexes A to E. However, some of the information contained within the Records of Discussion (RoDs) falls within scope of the absolute exemption Section 40 (Personal Data) and the qualified exemptions: Section 26 (Security), Section 37 (Royal Communications), and Section 43 (Commercial).

Sections 26, 37 and 43 are qualified exemptions and are therefore subject to a public interest test. This means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Therefore, a Public Interest Test has been conducted to determine whether, in all circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosure. I have found that whilst releasing the information would promote a greater understanding of the Royal Air Force Air Cadets (RAFAC) organisation and the projects they undertake, the following exemptions have been applied:

- Under Section 26 (1)(b), the balance lies in favour of withholding the information as releasing it could prejudice the security of RAFAC.
- Under Section 37(1)(ac), the balance lies in favour of withholding. This is because work carried out by Members of the Royal Family is dependent upon the maintenance of the confidentiality of their communications with public bodies.
- Under Section 43(2), the balance lies in favour of withholding the information, this is because sensitive information regarding current and future contracts, which may

prejudice the commercial activities of both RAFAC and third parties, are included within the minutes and RoDs.

In accordance with the Data Protection Act 2018, under Section 40(2) of FOIA (third party personal data), some information contained within the communications at Annexes A to E is withheld as exempt information. This is an Absolute Exemption and not subject to the public interest test.

Consequently, information which falls within the scope of the aforementioned exemptions has been withheld.

Under Section 16 (Advice and Assistance) of the FOIA, you will find it useful to know that Annex F within the Air Cadet Management Board (ACMB) RoDs from April 2019, has been mislabelled as part of Annex E of the April 2019 ACMB RoDs.

If you are not satisfied with this response or 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 Information Rights Compliance Team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (email 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 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 Officer, 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,

[Original Signed]

Air Command Secretariat

Enc.

Annex A: ACMB RoD April 2019 with Attachments

Annex B: ACMB RoD September 2019 with Attachments

Annex C: RAFAC Aviation CEB RoD February 2019 with Attachments

Annex D: RAFAC CEB RoD June 2019 (No Attachments)

Annex E: RAFAC CEB RoD November 2019 with Attachments