



Ministry
of Defence

Ministry of Defence
Joint Force Development and Defence Academy
Shrivenham
Swindon SN6 8LA
United Kingdom

Ref: FOI2018/00576, 00574, 00581, 00583

E-mail: DEFAC-JFDSecretariat@mod.gov.uk

Mr T Hemming
request-456980-b905d9d2@whatdotheyknow.com

9 Feb 2018

Dear Mr Hemming,

Thank you for your emails of 14 Jan 18 in which you request the following information:

"Mean and median marks, interquartile range and total range of marks awarded for ACSC given to the top 10%, top third (excluding the top 10%), middle third and bottom third for each of the past 3 completed courses." [FOI2018/00576]

"Mean and median marks, interquartile range and total range of marks awarded for ACSC given to male British students and female British students for each of the past 3 completed courses. Please break down marks into academic component and discretionary component (mean, median, IQR and range for each component and for the total mark) and total mark for each answer given." [FOI2018/00574]

"Mean and median marks, interquartile range and total range of marks awarded for ACSC given to the Royal Navy (excluding Royal Marines), Royal Marines, Army, Royal Air Force British students for each of the past 3 completed courses. Please break down marks into academic component and discretionary component (mean, median, IQR and range for each component and for the total mark) and total mark for each answer given." [FOI2018/00581]

"Mean and median marks, interquartile range and total range of marks awarded for ACSC given to each branch/cap badge for British students for each of the past 3 completed courses. Please break down marks into academic component and discretionary component (mean, median, IQR and range for each component and for the total mark) and total mark for each answer given. Examples of how the branch/cap badge might be broken down are: warfare officers, infantry, armoured corps, RAF pilots, engineers, artillery, intelligence, logistics, defence medical services, etc. Please provide details of all contributing branch/cap badge by service for each of the categories that you elect to use." [FOI2018/00583]

I am treating your correspondence as requests for information under the Freedom of Information Act 2000 (FOIA).

Under the Appropriate Limit and Fees Regulations public authorities are able to aggregate two or more requests where they relate to any extent, to the same or similar information provided certain conditions are met. These are where the FOI requests:

- a) are made by one person,
- b) or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- c) for the same or similar information; and
- d) are received within any period of 60 consecutive working days.

Under Section 12(4) of the FOI Act, provided these conditions are met, the Department is permitted to regard the estimated cost of complying with any of the requests to be the total cost of

complying with all of them for the purpose of considering whether complying with the request would exceed the appropriate limit. We are therefore applying exemption 12(4) to all of your requests for ACSC marking data, which were all received on 14 Jan 18 as we believe they meet the criteria for aggregation as outlined in a), c) and d).

It has been estimated that the cost of complying with your requests aggregated under the Fees Regulations as explained above would exceed the appropriate limit and therefore under the terms of Section 12 of the Act, we are not obliged to comply. The appropriate limit is specified in regulations and for central government this is set at £600. This represents the estimated cost of one person spending three and a half working days in determining whether the Department holds the information, locating, retrieving, extracting it and also in this case applying mathematical calculations to the data.

The MOD may be able to provide some information requested if you allow for 60 working days between your requests. The table below shows a possible schedule of how we can progress with your requests without placing an undue burden on the Department. We believe that either serials 1 and 2 could be answered within the appropriate limit, or serials 1 and 3, and we would be prepared to answer either option. The schedule below is based on serials 1 and 2 as a guide.

Serial	Current Reference	Topic	Suggested request date	Expected response date
1	FOI2018/00576	ACSC marking data – by top 10%, top third, middle third, bottom third	13 Feb 2018	13 Mar 2018
2	FOI2018/00574	ACSC marking data – by male/female	13 Feb 2018	13 Mar 2018
3	FOI2018/00581	ACSC marking data – by Service	13 May 2018	11 Jun 2018
4	FOI2018/00583	ACSC marking data – by cap badge	7 Aug 2018	7 Sep 2018

To assist in your consideration of how to take these requests forward I should explain that the effort required to produce the data by cap badge alone (FOI2018/00583) is significant and far exceeds the limit in its own right. Even to refine it to individual course years would still exceed the limit and so I would suggest that you also consider reducing the breadth of cap badges you require the data for.

I should also explain that from 14 Jan 18, any new additional requests which are substantially the same or similar requests to the ones listed in this letter, made within 60 working days (before 5 Apr 18) will also be aggregated with these and MOD would not be obliged to respond.

If you have any queries regarding the content of this letter, please contact this office in the first instance. Following this, 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). Please note that any request for an internal review should be made 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,

JFD Secretariat