

From: Mrs S Gardiner



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FOI2019/10888

Mr Robert Re

Via email: request-606248-ed6629b5@whatdotheyknow.com

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5 December 2019

Dear Mr Re

FREEDOM OF INFORMATION ACT 2000 – INTERNAL REVIEW

1. I am writing in response to your email of 11 October 2019 in which you complained about the handling of your request for information which is available on the WhatDoTheyKnow (WDTK) website¹. In accordance with the Code of Practice² under section 45 of the Freedom of Information Act (referred to hereafter as 'the Act'), any expression of dissatisfaction relating to an information request to the MOD triggers an independent review of the handling of the case. The purpose of the internal review is to consider whether the requirements of the relevant Information Rights legislation have been fulfilled and my findings are below.

Handling

2. In conducting my review of the handling of your request, I have focussed on the following requirements of the Act:

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

¹ https://www.whatdotheyknow.com/request/request_for_vehicle_history_3#incoming-1448001

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722165/FOI-Code-of-Practice-July-2018.pdf

d. Section 17(1) which states that, where it claims that information is exempt, the public authority must, within the time for complying with section 1(1), give the applicant a notice which states the fact, specifies the exemption(s) in question and states why the exemption applies.

3. Your request for information, received by MOD on 20 September 2019 was worded as follows:

"I am curious of the service record of deployment for a former MOD vehicle, a 1998 Land Rover 90 with chassis VIN# SALLDAA67VA125038.

I would like to know where it was stationed, and with which service of military and I would like to know its servicing record please as well as the details of any accidents it might have been involved in."

4. Section 10(1) of the Act requires that you receive a response within 20 working days (i.e in this case 18 October). The response provided by the Army Secretariat, dated 11 October, met this requirement. As required under section 1(1)(a), the response confirmed that a relevant search had been conducted across the whole of the department and that some information relating to your request was held. However, this was already available in the public domain and that the exemption at section 21 (information available to the requester by other means) therefore applied. You were provided with a link to a previously released version of the MERLIN archive and, in accordance with section 16 (advice and assistance) you were advised how the requested information could be accessed via MERLIN. You were also correctly informed of the right to appeal.

5. The handling of this request met the timeliness requirement of section 10 and the requirement at section 17 to state the use of exemptions.

Substance

6. In your request for an appeal you stated that you were unable to find the requested information within the MERLIN database:

"Unfortunately extensive searches of this database have shown no details for the vehicle yet you have said that information does exist. Please can you share the details of the vehicle as requested on the original request or point me towards where the information is publicly available because I have been unable to find this information in the public domain."

As part of this review, I have considered whether the exemption at section 21 has been correctly applied to the information in scope of your request.

Use of Section 21 (information reasonably accessible to the applicant by other means)

7. Section 21 of the Act states that information is exempt from disclosure if it is already reasonably accessible by other means. Section 21 is an absolute exemption which does not require a public interest test.

8. I can confirm that whilst *some* information relating to the vehicle is available via the published MERLIN 2.0 archive, it is by no means *all* the information MOD holds that falls within the scope of your request. I therefore find that the Department was incorrect to apply section 21 to withhold the entire information about the vehicle. I also note that, while you were directed to the published MERLIN 2.0 archive³, the response did not specify that the information relevant to your request was available at line 203926 of Table One, for which I apologise.

9. I have found that the response was provided without the benefit of a comprehensive search of all the locations within MOD most likely to hold the information you requested. As part of this review I commissioned a wider search for relevant information and can advise you that this has located a significant amount of additional information in the form of the vehicle's unit transfer history, its maintenance history and some other legacy data. This information is held on JAMES, the successor system to MERLIN. It may be the case that some of the information held in JAMES corresponds with that held in the published MERLIN 2.0 archive, but I attach it here for completeness.

10. No information has been redacted from these documents, although the name of the person who printed off the Equipment Transfer History in preparation to send it to you has been removed as it is not in scope of your request. I would also like to note that the 'unique identified' (UID) column in the Equipment Transfer History is purposefully blank; no additional identifiers were recorded for the vehicle. I am satisfied that you are now in receipt of all the information that held by MOD that meets the description of your request.

Section 16 (advice and assistance)

11. Section 16 of the Act obliges a public authority to provide advice and assistance, so far as it would be reasonable to do so, to persons who propose to make, or have made, requests for information to it. I note that you were advised previously that there is a risk that some of the data in the published MERLIN 2.0 archive may have been lost or corrupted when it was archived into its current format. You should, therefore, be cautious that some of the data may be inaccurate.

12. You might wish to contact the Royal Logistic Corps Museum for further information about former MOD vehicles, although I cannot say if they will have anything specifically on 22KK90. Their address is:

The Royal Logistic Corps Museum
The Princess Royal Barracks
Deepcut
Surrey
GU16 6RW (Sat-Nav GU16 6SQ)

Tel: 01252 833371

Email: information@rlcmuseum.com

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/725004/Copy_of_Merlin_Archive_2.0_tab_1.xlsx

Conclusion

13. In summary, I find that:

- a. Your request was not fully handled in accordance with the Act, as not all the information in scope of your request was located during the initial handling process;
- b. Section 21 (information reasonably accessible to the applicant by other means) applies in so far as some information you have requested is the same information that is already in the public domain;
- c. Additional searches undertaken during this review have located further information which is now released to you. This is all the information held by the MOD in relation to the vehicle;
- d. Appropriate advice and assistance has been provided with this review both at the response and review stages although sufficient assistance locating the information about the subject vehicle within the MERLIN Archive was lacking in the original response.

If you are dissatisfied with the review, you may wish to 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 the website at: <https://ico.org.uk>, and the address is: Information Commissioner's Office, Wycliffe house, Water Lane, WILMSLOW, Cheshire, SK9 5AF.

Yours sincerely,



Mrs S Gardiner