



Ministry
of Defence

Defence Equipment and Support
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Ministry of Defence
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Email: DES SEC-PolSec LE-JSC-WPNS@mod.uk

Mr E Köstlin

Email: request-969732-
f451dc55@whatdotheyknow.com

Our Reference:
FOI2023/04973
Date:
20 October 2023

Dear Mr Köstlin,

Thank you for your email of 11 April 2023 requesting the following information:

'I would like to make a freedom of information request for the 2KW LFG's AESP:

6115-G-710-523 (Maintenance Instructions, 3 Field Maintenance)'

A search for the information has now been completed within the Ministry of Defence, and I can confirm that the information in scope of your request, AESP 6115-G-710-523, is held. However, in attempting to provide a response to this request it has become apparent that the request is burdensome under Section 14 of the FOI Act and as such we will not be able to provide the information you requested. The reasoning for this is outlined below.

Section 14 (Burden)

Section 14 has four broad themes:

- the burden (on the public authority and its staff);
- the motive (of the requester);
- the value or serious purpose (of the request); and
- any harassment or distress (of and to staff).

Your request falls within the first bullet, "the burden (on the public authority and its staff)". Before any information can be released, the MOD has an obligation to consult with the companies who were responsible for the design and construction of the various components of this generator and obtain their permission to release the information over which they have Intellectual Property Rights (IPR). Unfortunately, due to the number of companies that were involved in the production of the generator, the time required to conduct the consultation with each would impose a significant burden on the department and exceed the timeframe envisaged by Parliament for the processing of FOI responses.

I should also note that if it were possible to consult with all of the generator supplier companies, reviewing the information held would still require specialist knowledge of the unit involved, which would require people to be taken away from other defence priorities. It is also our assessment that information that is or may be the intellectual property of another party would be contained within every part of the requested documentation, and that it is unlikely that this information could be easily identified and isolated without considerable effort and expenditure of time and resources by both

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commercial and technical/engineering SMEs even if SME staff were available. As such, it is likely that this information would also fall within scope of Section 14 (1) (Vexatious) of the FOI Act. The Information Commissioners Office (ICO) has produced detailed guidance on the application of Section 14, which can be found here:

<https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/dealing-with-vexatious-requests-section-14/>

Section 16 (Advice and assistance)

Under Section 16 I must also advise you that the Department would usually suggest a refinement which we could process without imposing a burden. However, in this case it is difficult to provide a refinement as it is the activities involved in consulting with so many IPR-holding companies that imposes the burden, rather than the volume of information involved, so the burden of even a refined request is likely still to be substantial.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact us in the first instance at the address above. 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 (e-mail 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 take your complaint 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. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

DE&S Policy Secretariat Head