



Ministry  
of Defence

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FOI2023/05399

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22 May 2023

Dear Sir/Madam,

Release of Information

Thank you for your correspondence of 3 April 2023 in which you requested the following information:

‘Alternatively, may you provide the access agreement signed by the production team for access to the HMS Dragon. Also, any other related documents that do not fall under section 43’

You provided clarification on 21 April 2023 confirming you required the following information:

‘By access agreement, I am referring to the agreement made between the film production team and the Royal Navy, with the Royal Navy providing their consent, for filming to be carried out with the HMS Dragon. Other related documents would include the terms and conditions provided by the Royal Navy to the production team for the use of the HMS Dragon in filming.’

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000 (the Act).

A search has now been completed within the Ministry of Defence (MOD) and I can confirm that information in scope of your request is held. However, it is considered that some of the information you have requested falls within the scope of the exemption at section 43 (Commercial Interests) of the Act.

Under section 43(2) of the Act, information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

As section 43 is a qualified exemption, it has been necessary for the Department to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure. The Public Interest Test has now been completed and I can advise that after careful consideration of the information and for the reasons detailed below, the balance of public interest was found to be in favour of withholding information detailing the contract fees contained within contract agreement in its entirety. It may assist you to understand our decision if I outline the factors that were considered.

It is accepted that disclosure of the information would in scope of your request would demonstrate the MOD's commitment to openness and transparency and that release of such information would provide public reassurance that the Department operates in a fair and open market. However, there are also compelling reasons to protect the commercial interests of the MOD and its commercial partners. The use of competition is at the heart of Government procurement and the effectiveness of this strategy depends largely on the integrity of the competitive process and the MOD's ability to protect commercially sensitive information. As such, it is considered that release of information detailing contract fees between the MOD and the production company could jeopardise future projects and arrangements. Disclosure of such information could potentially allow companies to gain an unfair advantage and prejudice, not only current and future commercial interests of the film company but may also prevent the MOD from securing best value for money for future projects.

The information I am able to provide to you in respect of the contract agreement between the MOD and B25 Limited for access to HMS DRAGON as part of production of the filming for the James Bond franchise, is enclosed with this letter. Please note that release of this document has been approved by B25 Limited.

Please be further advised that some personal information and contact details relating to individuals contained within the documents have been withheld under Section 40 (Personal Information) of the FOI Act. Section 40(2) applies to personal data relating to third parties, the release of which would contravene the Data Protection Act 2018.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

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.uk](mailto:CIO-FOI-IR@mod.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

Navy Command Secretariat - FOI Section