



MINISTRY OF DEFENCE

Ministry of Defence
Main Building
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London SW1A 2HB
United Kingdom

Telephone:

Facsimile:

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Ref:UKCT&R/Parliamentary/FOI 01-11-2011-144146-004

Mr M McGartland
c/o Request-91691-84189b7c@whatdotheyknow.com

9 December 2011

Dear Mr McGartland,

Thank you for your email of 1 November in which you asked:

"I am requesting information under FOIA and also all other rights of access concerning the following:

- 1. All information known to the MOD concerning shipments of weapons/ammunition supplied to the IRA from Gaddafi's Libya".**

I can confirm that your request has been handled as a request for information under the Freedom of Information Act 2000.

Under s23 (5) Information supplied by, or relating to, bodies dealing with security matters and s24 (2) National Security; of the FOIA2000, I can neither confirm nor deny that the Ministry of Defence holds any information relevant to your request.

Section 23(5) is an absolute exemption and does not require a public interest test to be conducted in order for this information to be exempt from disclosure. Exemption 24(2) is qualified which means I am required to conduct a Public Interest Test in relation to their usage in neither confirming nor denying the existence of any information.

The Ministry of Defence recognises that there is general public interest in transparency and openness in Government. Such openness would lead to a deeper public knowledge in matters relating to national security. However, if we were to confirm or deny that such information was or was not held on this subject, this could clearly prejudice the Government's ability to maintain national security. We have concluded that safeguarding national security interests is of paramount importance and that in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming or denying whether we hold the information requested.

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 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 Head of Corporate Information, 2nd 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 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.gov.uk>

Yours sincerely

Campbell McCafferty

{Electronically Signed}