



Ministry of Defence

Ministry of Defence
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Ref: FOI2021/01085

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Wednesday 25 March 2021

Dear Edward Kempe

Thank you for your email of 28 January requesting the following information:

"1: can you confirm or deny that the MOD is able to publicly confirm or deny there are stocks of novichok nerve agent or their analogues held in amounts regardless of size by the UK, or that such information shall be kept secret.

2: can you confirm or deny there are stocks of novichok nerve agent or their analogues held in amounts regardless of size by the UK, and if so, the quantity involved, and what agencies have access to it.

3: would it be possible that on a direct order from Whitehall or other qualified person or department, that an amount of novichok or its analogues could be released to authorised parties for removal from secure storage facilities for purposes known or unknown by said storage facilities.

4: assuming such transfer had taken place as outlined in (4) what agency(ies) would hold records of this, in the cases or release being for a) analytical purposes, or b) secret operational purposes.

5: will asking such questions put me on some kind of watch list?"

We are treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

Under section 24(2) (National Security), 26(3) (Defence) and 27(4) (International Relations), the MOD neither confirms nor denies whether it holds any information in scope of your request. Sections 24, 26 and 27 are qualified exemptions and are subject to a public interest test. Sections 24, 26 and 27 are engaged because the request refers to matters that are operationally sensitive and would prejudice the capability and effectiveness of our national security. Given that, the public interest is best served in not releasing any details on the nerve agent, since this information could be misused for hostile or malicious purposes by states or terrorists. For these reasons, we have set the level of prejudice against release of the exempted information at the higher level of "would" rather than "would be likely to".

Our letter to you dated 22 February 2021 stated that we are treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000. Unfortunately, the letter contained an error, in that it stated under section 1 of the Act that MOD held the information in scope of your request. The response should have informed you that MOD required extra time to

consider the public interest test in deciding whether to confirm or deny whether information exists under S24(2). I apologise for any confusion.

A public interest test has been conducted which has considered the need for transparency of Government business, public debate and the need to demonstrate that no misconduct or impropriety has taken place. This has been considered against the need to protect National Security and Defence capabilities, and to avoid serious proliferation risks; the test concluded that the balance of public interest lay in neither confirming nor denying whether the MOD held any information in scope of your request. This should not be used as an indication that such information is or is not held.

I should like to additionally make the following points:

The UK Cabinet Defence Committee decided to abandon the UK's offensive chemical weapons programme in 1956. The UK does not possess chemical weapons, the development, production and use etc of which has been prohibited since 1997 by the Chemical Weapons Convention. The UK complies with the Chemical Weapons Convention.

The Chemical Weapons Convention explicitly permits the production of toxic chemicals for the purpose of protective research, subject to specific limitations and safeguards, such as limits on the quantities of the most toxic chemicals.

In common with other States Parties to the Chemical Weapons Convention with programmes for protection against chemical weapons, we do not publish detailed information about which CW agents are considered threats or specific details of the protective work which is being carried out, where to do so could compromise our defensive capabilities or pose a proliferation risk.

All toxic chemicals held by MOD for the purposes of its protective programme are subject to rigorous accounting and are held only for these purposes.

The UK seeks to be as transparent as possible in respect to its programme for protection against chemical weapons. We submit an annual statement to the Organisation for the Prohibition of Chemical Weapons in accordance with the Convention, which summarises our national programme and includes examples of relevant publications. The report submitted in 2020 for 2019 is attached.

I can also inform you that the Ministry of Defence does not hold "watch lists" of those who ask questions under the FOI Act.

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,
Counter Proliferation & Arms Control Centre, MOD