



From:
CIO-CI-AccessOps1
MINISTRY OF DEFENCE
Main Building, Whitehall, London, SW1A 2HB.

Telephone (Direct dial) 020 7218 9000
(Fax) 020 7218 4619
e-Mail CIO-FOI@mod.uk

Your Reference:

Our Reference: 30-04-2010-113043-002

Date: 22nd September 2010

Dear

1. Your correspondence received on 30 April 2010 has been considered to be a request for information in accordance with the Freedom of Information Act 2000. I am sorry for the delay in this response. You requested the following information:

Can you please provide me with the internal guidance and instructions issued by the MOD for the handling requests relating to the Freedom of Information Act and the Environmental Information Regulations. In particular the MOD internal guidance and instructions relating to refusals and internal reviews.

2. I can confirm that we hold information of the type specified. MOD uses a variety of sources of information as internal guidance when handling requests for information and associated appeals under the Freedom of Information Act and the Environmental Information Regulations. This information can be found at the following links:

<http://www.mod.uk/DefenceInternet/FreedomOfInformation/DisclosureLog/FoiGuidance.htm>

<http://www.mod.uk/DefenceInternet/FreedomOfInformation/PublicationScheme/SearchPublicationScheme/HintsForPractitionersHandlingFoiAndEirRequests.htm>

I draw your attention to the MOD internal guidance note on appeals which I understand was your particular interest:

<http://www.mod.uk/DefenceInternet/FreedomOfInformation/PublicationScheme/SearchPublicationScheme/ModFoiAndEirComplaintsAndAppealsProcedures.htm>

A small amount of information has been redacted from these documents by virtue of the exemption provided under the Act at section 23 (security matters) and section 40 (personal data). Both Section 23 and Section 40 are absolute exemptions which mean that requests falling into this category can be refused without consideration of the public interest.

3. You will note that there appear to be gaps in the alphabetical and numeric sequence of the policy documents. I should perhaps explain that some previous guidance has been withdrawn in favour of guidance issued by the MOJ that is common to all Central Government Departments whilst some internal guidance has yet to be written.

4. The information supplied to you continues to be protected by the Copyright, Designs and Patents Act 1988 (the Act). Unless specifically permitted by the Act, any reproduction of the information, in whole or in part, requires the permission of the copyright holder. Most documents supplied by the Ministry of Defence will have been produced by government officials and will be Crown Copyright. You can find details on the arrangements for re-using Crown Copyright from the Office of Public Sector Information at: <http://www.opsi.gov.uk/click-use/index.htm>. Information you receive may also include third party owned information. Such information must not be reproduced, in whole or in part, without first obtaining the permission of any such third party rights holder.

5. 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.

6. 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,

CIO-CI-Access Ops 1