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D/DOP/FOIA Requests (043/05)

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23 September 2005

Thank you for your letter of 16 August, in which, under the Freedom of Information Act, you requested details of any contacts with US officials, UK defence companies and overseas defence companies regarding the replacement of Trident.

I regret that it is not possible to identify each and every single discussion between UK and US officials and with industry that might have touched on this subject. So far as meetings with US officials are concerned, I am in any event withholding details of the US officials involved and the specific dates on which the meetings took place under exemptions s.27 (International Relations) and s.36 (Prejudice to effective conduct of public affairs) and I am withholding details of the UK officials involved under exemption s.36 (Prejudice to the effective conduct of public affairs).

Both these exemptions are qualified exemptions under the Act and as such it was necessary to assess the public interest in releasing and withholding the information and where the balance lies. There is a public interest in the UK maintaining strong relations with the US, especially when it comes to defence issues. We also acknowledge that there is a public interest in knowing that any potential replacement of Trident is being considered fully and appropriately. However, we deem that the balance is in favour of withholding the information.

When considering the release of the details of the UK officials that have taken part in discussions we have considered the public interest in knowing that the officials carrying out the public duties are accountable for their actions. There is also a strong public interest in knowing that those making decisions and these issues in due course have the best advice that they can to base these

decisions on. This advice will be provided by officials and the identification of these officials against the area in which they work may harm the frankness and candour of such advice in the future. While the replacement of Trident is a topical issue at present, we do not believe that there would be public interest in potentially damaging the source of this advice. We believe that the public interest in withholding this information outweighs the public interest in releasing the information.

S.36 of the Act requires it to be the reasonable opinion of a 'qualified person' that this release of the information would, or would be likely to prejudice the conduct of public affairs. In a department of state Ministers act as the 'qualified person' and I can confirm that this opinion has been sought and agreed to use this exemption to withhold this information.

Again, it is not possible to identify every meeting with UK defence contractors which may have dealt with this issue. I am withholding details of the companies and individuals involved under s.36 (Prejudice to effective conduct of public affairs).

This exemption is qualified under the Act and as such it was necessary to assess the public interest in releasing and withholding the information and where the balance lies. There is a public interest in the MOD being able to seek advice from industry and some companies may not be as prepared to provide such free and frank advice if it were known that they were advising on some specific subjects. Whilst there is public interest in the consideration of any Trident replacement being transparent we feel that the balance of public interest is in this information being withheld.

As far as I have been able to ascertain, no formal meetings have been held with overseas defence companies specifically on the subject of Trident replacement.

If you wish to clarify any aspect of this response then please contact me in the first instance. Should you remain dissatisfied, you may apply for an internal review by contacting the Director of Information Exploitation, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB.

If you are still unhappy 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.informationcommissioner.gov.uk>. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

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