

Andrew Tranham
Head of Corporate Information,
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(via e-mail CIO-FOI-IR@mod.uk).

20/06/2012

Dear Andrew Tranham,

I would like to apply for an internal review of the decision to refuse my Freedom of Information request of 28th May 2012, under Section 14 (2) of the Act. In addition I would also like a review of the decision communicated to me in the same correspondence of 6th June 2012 not to answer any further of my Freedom of Information requests on the issue of unmanned aerial vehicles "until at least the end of operations in Afghanistan".

The refusal states that I have previously submitted information requests on the subject of unmanned aerial vehicles on three previous occasions: 12 Jan 2011, 5 Jan 2012 and 10 Feb 2012. As you acknowledged in your letter to me of 5th March 2012 I only submitted the third information request due to the fact that the MoD did not meet its responsibilities with regard to answering my FoI request of 5th Jan 2012. I believe therefore it would be extremely unfair to count that request as an additional request, which leaves two previous requests, a year apart - hardly 'repeated'.

Secondly, while I am requesting information with regard to a particular issue - the use of Unmanned Aerial Vehicles (UAVs) by UK forces, I am not asking for "identical or substantially similar" information. I am genuinely trying to ask for information that would not be exempt.

Finally, the Information Commissioners Guidance on vexatious or repeated requests states that :

"it is important to note that Section 14(2) can only be applied where the public authority has previously provided the applicant with the information they have requested. If the authority has not previously supplied the information then they should deal with the request in the usual manner."
http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/vexatious_and_repeated_requests.ashx

On all these grounds I believe that the refusal should be overturned and the information I requested be provided to me.

On a wider note, while my previous requests have been refused because the specific information I asked for was deemed to be exempt under Section 26 and Section 27 of the Act, I presume that the MoD is not saying that any and all information about the UK's use of Reaper UAVs in Afghanistan is exempt from the FOIA on these grounds. I would be grateful if you would confirm that.

I believe that there are important issues of public interest and public accountability in relation to the use of these new weapon systems. While the MoD continues to be reluctant to speak publicly about the use of such systems, it is surely right that members of the public should be able to seek such information as they are entitled to under the FoI Act.

Yours sincerely

Chris Cole
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