

From: Mrs S Gardiner



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Head - Information Rights Team

FOI2019/12999

Mr C Cole
Via email: chris@dronewars.net

10th February 2020

Dear Mr Cole

FREEDOM OF INFORMATION ACT 2000 INTERNAL REVIEW

1. I am writing in response to your email of 14 January 2020 in which you requested an internal review¹ of the processing of your request for information under the Freedom of Information Act 2000 (the Act). The purpose of this review is to consider whether the requirements of the Act have been fulfilled. Its scope is defined by Part 5 of the Code of Practice² under section 45 of the Act.

Handling

2. In conducting my review of the handling of your request, I have focussed on the following requirements of the Act:

- a. Section 1(1)(a) which, subject to certain exclusions, gives any person making a request for information to a public authority the entitlement to be informed in writing by the public authority whether it holds information of the description specified in the request;
- b. Section 1(1)(b) which, subject to certain exemptions, creates an entitlement to receive the information held by the public authority;
- c. Section 10(1) which states that, subject to certain provisions allowing extensions of time, the public authority must comply with the requirements of section 1(1) promptly, and in any event not later than the twentieth working day following the date of receipt; and
- d. Section 16(1) which states that it is the duty of a public authority to provide help and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

¹ Outlined at the Annex of this review

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722165/FOI-Code-of-Practice-July-2018.pdf

3. Your request of 11 November 2019, received on the same day, was worded as follows:

'1) a list of documents arising from a search for information relating to the testing/trialling of the 'predictive cognitive control system' developed by Montvieux Ltd at RAF Wyton as described in the MoD story 'Intelligence technology to keep Joint Force Command one step ahead of adversaries' (link provided)

2) copies of documents detailing or summarising the results of the testing/trialling of the 'predictive cognitive control system' developed by Montvieux Ltd at RAF Wyton.

3) Please can you tell me when the trial/test began and ended.

4. Section 10(1) of the Act requires that you receive a response within 20 working days. MOD's substantive response of 17 December 2019 was provided within the statutory timescale. Under section 1 of the Act, you were advised that MOD did not hold the information in scope of your request. Although section 16 (advice and assistance) was not cited, you were advised that the system beta deployment into RAF Wyton did not go ahead as documented and a link was provided to you³. You were provided with the right to appeal.

5. On 19 December, you sent the following email:

'Thank you for your response to my Fol request of 18th November. Firstly, please can I ask a quick question of clarification?

The link you provided in your response does not document how the test did not go ahead as you indicated. Is the link incorrect? If so, can you provide the correct one? Or am I misreading your response?

Secondly, please can you provide, under Section 16 of the FOI Act (advice and assistance), an explanation as to why the test as outlined in the MoD article did not take place?'

6. As you stated in your request for a review (attached at the Annex to this letter) you did not receive a response, for which I apologise.

Substance

7. As part of this internal review, I have looked at your request again from first principles and my findings are below.

Section 1

8. Section 1(1) of the Act states that any person making a request for information to a public authority is entitled to be informed in writing whether it holds information relevant to the request, and if so, to have that information communicated to them. This is subject to any exclusions or exemptions that may apply.

9. For the first part of your request, I have been advised that there are no documents which specifically meet the description of your request i.e. that there are no documents relating to the testing/trialling of a system as described in the linked article. MOD, therefore, does not hold a list of documents which would fall in scope of your request.

10. For the second and third part of your request, I can confirm that as *'the testing/trialling of the 'predictive cognitive control system' developed by Montvieux Ltd at RAF Wyton'* did not take place, it therefore follows that the information is not held.

³ <https://www.gov.uk/government/news/intelligence-technology-to-keep-joint-force-command-one-step-ahead-of-adversaries>

Section 16 (advice and assistance)

11. Section 16(1) of the Act places a duty on a public authority to provide advice and assistance, where possible, to those making or intending to make a request for information.

12. The linked article provided in MOD's response was the same article that you had referred to in your request, which states that:

As part of Phase 2 development, the system is being refined in the innovation environment at RAF Wyton, and is being deployed into the live operational network (as a Beta service).

13. I can advise that, although there had been an intention to place the system onto the innovation environment at RAF Wyton during Phase 2 development, this did not happen. I find that the wording of the article is misleading, as it was written in the present tense, suggesting that the system was in the process of being 'refined' and deployed.

14. There are no publicly available links that I can provide to information that explains why or how the refinement and deployment of the system did not take place. I can, however, advise under section 16 that this was due to the configuration of the operational environment.

Conclusion

15. In summary, I find that:

- a. Your request was handled in accordance with the Act.
- b. Under section 1 of the Act, the information in scope of your request relating to the linked article is not held by MOD.
- c. MOD has provided some advice and assistance under section 16 of the Act.

If you are dissatisfied with the review, you may make a complaint to the Information Commissioner under the provisions of section 50 of the Act. Further details of the role and powers of the Commissioner can be found on the website at: <https://ico.org.uk>. The address is: Information Commissioner's Office, Wycliffe House, Water Lane, WILMSLOW, Cheshire, SK9 5AF.

Yours sincerely,



Sandra Gardiner

14 January 2020 - Request for an internal review

Please can I request an internal review of the response of the 17th December 2019 to my Fol request of 18th November 2019.

Firstly, I responded to the response (on 19th Dec - see below) requesting clarification as I was confused by the wording of the response. In addition I requested advice and under assistance under S.16 of the Fol Act. My request for clarification and advice and assistance has gone unanswered.

Secondly I am not satisfied with the response to my original request. The response suggests that the trial did not go ahead but that does not mean there will not be documents relating to the trial/testing as I requested.

Please can you provide copies of documents or their names arising from a search as requested. Please can you answer my request for clarification and, under the duty to provide advice and assistance, explain why the test/trial did not take place