

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 January 2013

Public Authority: Ministry of Defence

Address: Main Building
Whitehall
London
SW1A 2HB

Decision (including any steps ordered)

1. The complainant submitted seven separate requests for information to the Ministry of Defence (the 'MOD') during August and September 2012. No substantive responses have been provided in relation to any of the seven requests. The Information Commissioner's decision is that the MOD did not deal with the requests for information in accordance with FOIA. It breached section 10(1) of FOIA by failing to provide responses to each of the seven requests within the statutory timeframe of 20 working days.
2. The Information Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Confirm or deny whether the requested information is held in respect of each of the seven requests detailed in this notice, to comply with section 1(1)(a).
 - If information is held in respect of each of the requests, issue a response.
3. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

4. The complainant wrote to the MOD during August and September 2012 submitting seven separate requests for information, via the *WhatDoTheyKnow.com* website. A synopsis of each of the requests is detailed below; the full text of each request can be found at Annex A of this notice. The Commissioner has listed the requests by reference number and date order:

Request 1 - Reference FS50469817: Request of 4 August 2012

5. This request was for information about numbers of groups and individuals on target lists with regards to the activities of the Directorate of Targeting and Information Operations.

Request 2 - Reference FS50471735: Request of 4 August 2012

6. The complainant requested the numbers of operations by specified type and by specified time periods.

Request 3 - Reference FS50471862: Request of 29 September 2012

7. The complainant referenced Operation Ore and requested information about whether any of those targeted were the subject of Information Operations.

Request 4 - Reference FS50471863: Request of 29 September 2012

8. The complainant requested information about whether substances have ever been used in Information Operations which alter hormone levels.

Request 5 - Reference FS50471864: Request of 29 September 2012

9. This request was for information about contractor and Non-Governmental Organisations' involvement in Information Operations in the UK and how such operations are funded.

Request 6 - Reference FS50471751: Request of 30 September 2012

10. This request was for information about service professionals on target list pertaining to Information Operations and/or similar operations.

Request 7 - Reference FS50471752: Request of 30 September 2012

11. The complainant asked for information about media connections within Information Operations or any other type of operation in the UK.

12. No substantive response to any of the above seven requests has been provided to date by the MOD.

Scope of the case

13. The complainant contacted the Commissioner on 6 and 7 November 2012 to complain about the way his seven requests for information had been handled. He specifically asked the Commissioner to consider the fact that no substantive responses had been provided.

Reasons for decision

14. Section 8(1) of FOIA states that requests for information should be in writing, should bear the name and address of the applicant and describe the information requested. The Commissioner considers that all seven requests in this case fulfil these criteria, and therefore constituted valid requests under FOIA for recorded information.
15. Section 10(1) of FOIA states that on receipt of any request for information a public authority should respond to the applicant within 20 working days. From the information provided to the Commissioner it is evident that the MOD did not respond to the complainant within the statutory timeframe in respect of each of these requests.

Conclusion

16. The Commissioner's decision is that the MOD did not deal with the requests for information in accordance with FOIA. It breached section 10(1) of FOIA by failing to provide a response to the requests within the statutory timeframe of 20 working days. At paragraph 2 above the MOD is now required to respond to these requests.

Right of appeal

17. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

Request 1 - Reference FS50469817: Request of 4 August 2012

"I would like to request answers to the following questions under Freedom of Information Act 2000:

With reference to the activities of the Directorate of Targeting and Information Operations (DTIO or TIO); can you tell me how many groups are on each of the following lists:

Joint Integrated Target List,

Joint Integrated Prioritized Target List,

Restricted Target List?

Can you tell me how many total individuals are (targeted/restricted) within these groups?

With reference to the activities of the Directorate of Targeting and Information Operations (DTIO or TIO); can you tell me how many individuals not part of the above groups are on each of the following lists:

Joint Integrated Target List,

Joint Integrated Prioritized Target List,

Restricted Target List?"

Request 2 - Reference FS50471735: Request of 4 August 2012

"I would like to request answers to the following questions under Freedom of Information Act 2000:

Can you tell me how many Information Operations (ics-www.leeds.ac.uk/papers/pmt/exhibits/2270/jwp3_80.pdf) the MOD is aware of in the UK for the years 2010, 2011 and at date of writing?

Can you tell how many subsidiary operations there are as part of or assistance to these information operations?

Can you tell me how many Psychological Operations are going on in

the UK that the MOD is aware of at present?

Can you tell whether there are any Electromagnetic Spectrum Operations going on in the UK at present; and if so how many?"

Request 3 - Reference FS50471862: Request of 29 September 2012

"I would like to make a freedom of information request.

Famously at the time many men were arrested under Operation Ore under allegations of crimes which were later disputed or found to be fraudulent. Subsequently 40 of them committed suicide.

Can you confirm or deny whether or not any of the nearly 4,000 men who were targeted were the subject of Information Operations? If any or many were, can you specify how many were listed as targets?"

Request 4 - Reference FS50471863: Request of 29 September 2012

"I would like to request the following under Freedom of Information legislation:

Can you tell me whether or not substances which alter hormone levels have ever been used in Information Operations?"

Request 5 - Reference FS50471864: Request of 29 September 2012

"I would like to request data under the Freedom of Information Act.

According to an FOI response from Cranfield University (<http://www.whatdotheyknow.com/request/62...>); contractor organisations and Non Governmental organisations are involved in being trained in Information Operations alongside those employed in the public sector.

Can you tell me whether contractor organisations and/or Non-Governmental Organisations are working alongside publicly funded organisations within Information Operations in the UK?

If this is so, could you specify whether the funding of such operations is solely by the public sector, solely by the private sector, or jointly funded?

Can you tell me whether the specified objectives and goals of such operations are solely decided by the public sector, solely decided

by the private sector, or decided by both parties?

Can you specify the names of the companies, organisations or other groups of contractors/NGOs involved in Information Operations, and the nature of their participation?"

Request 6 - Reference FS50471751: Request of 30 September 2012

"I would like to request the following under Freedom of Information legislation:

Can you tell me how many of the following people in the UK are on any of the target lists pertaining to Information Operations and/or similar operations:

Serving or former employees of the Intelligence services?

Serving or former employees of the Police?

Serving or former members of the military (RAF/Army/Navy)?"

Request 7 - Reference FS50471752: Request of 30 September 2012

"I would like to request the following under Freedom of Information legislation:

Can you tell me whether as part of Information Operations or any other type of operation in the UK, the MOD in any of its forms like the DTIO/TIO or related bodies makes requests upon any shows broadcast on British television to add to or in any way edit their content?

Can you tell me if there is a list of the different shows which have been contacted?

If you can, could you please disclose this list? If details are kept of compliance or non-compliance with requests, could you please include this information also?

A prompt response with the legal guidelines would certainly be appreciated."