

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 January 2014

**Public Authority:** Ministry of Defence  
**Address:** Main Building  
Whitehall  
London  
SW1A 2HB

#### Decision (including any steps ordered)

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1. The complainant has requested information about whether the Ministry of Defence (the 'MOD') asks for shows broadcast on British television to be edited in certain circumstances and for a list of such shows. The Commissioner's decision is that, on the balance of probability, the MOD does not hold the requested information. He does not require any steps.

#### Background

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2. The request can be followed on the 'What do they know' ("WDTK") website<sup>1</sup>.
3. The complainant uses the descriptor 'Information Operations'. The MOD has confirmed to the Commissioner:

*"MOD's interpretation of what [the complainant] meant by Information Operations are taken from a document entitled "The*

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<sup>1</sup>[https://www.whatdotheyknow.com/request/media\\_connections\\_within\\_info\\_op](https://www.whatdotheyknow.com/request/media_connections_within_info_op)

*Military Contribution to Peace Support Operations – JWP 3-50. This is as follows;*

*'Information Operations*

*Co-ordinated actions undertaken to influence an adversary or potential adversary in support of political and military objectives by undermining his will, cohesion and decision making ability, including his information, information based processes and systems while protecting one's own decision-makers and decision making processes.'*

*The definition of psychological operations (conducted as part of psychological warfare) contained in the 'Allied Joint Doctrine for Psychological Operations' is as follows: 'Planned psychological activities using methods of communication and other means in order to influence perceptions, attitudes and behaviours affecting the achievement of political and military objectives'".*

## **Request and response**

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4. On 30 September 2012 the complainant wrote to the MOD and requested information in the following terms:

*"Can you tell me whether as part of Information Operations or any other type of operation in the UK, the MOD in any of it's [sic] 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?"*

5. The MOD responded on 6 November 2012. It amalgamated this request with a similar one which the complainant made in respect of radio broadcasts and advised that:

*"I can confirm that we hold information within scope of your request. It is the responsibility of all Government departments to explain policies and provide the media and UK public with factual information on the work of the department and, in the MOD's case, the Armed Forces. The Directorate Media and Communication*

*(DMC) is responsible for dealing with the media in the UK. We are in daily contact with journalists, broadcasters and representatives of the media. This is a two-way exchange: broadcasters frequently contact us to check the accuracy of their information or, where appropriate, to check whether the information they report would or would be likely to prejudice personal or operational security, or data protection. In addition, broadcasters occasionally request help in preparing drama or documentary programmes in cases where they would like to film in MOD locations, interview MOD personnel or accurately portray aspects of defence or military life.*

*Due to the frequency of contacts with the media, in many cases by telephone, the MOD does not keep a comprehensive list. The MOD respects the editorial independence of the media”.*

6. The complainant was dissatisfied with this response saying he had been *“specific in referencing Information Operations and Targeting and Information Operations (TIO)”* which was what he wanted. He also advised:

*“When you mention that there is not a comprehensive list, I would like you to specify whether TIO uses one or more lists; Or whether the DMC handles All of the relevant activity on behalf of the TIO. I would like you to specify how many lists exist in relation to the different requests (unless it is the same for both)”.*

7. The complainant formally requested an internal review on 8 March 2013, which was provided on 25 April 2013. In its response, the MOD stated that it was responding in light of the comments made by the complainant when specifying TIO and that it was therefore limiting the scope of the information being considered. Accordingly, it now found that it held no information.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 15 October 2013 to complain about the way his request for information had been handled. He specified: *“I am complaining because I believe they hold information within the scope of my request and they have said that they do not”.*
  9. The Commissioner will therefore consider whether or not the MOD holds any relevant information.
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## Reasons for decision

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### Section 1 – general right of access

10. Section 1(1)(a) of FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request.
11. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. The Commissioner must decide whether on the balance of probabilities the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
12. The complainant has argued that he believes the MOD holds further information. He supports his argument that information must exist by citing part of a publicly available document as follows:

*"Information Operations target people and use various types of warfare on them.*

*([www.powerbase.info/index.php/Targeting\\_and\\_Information\\_Operations](http://www.powerbase.info/index.php/Targeting_and_Information_Operations))*

*With regard to the uses of the media for the purposes of Psychological Warfare within an Information Operation, the MOD document JWP 3-80 Information Operations states the following:*

*2A2. Psychological Operations. The primary purpose of Psychological Operations (PSYOPS) is to influence the perceptions, attitudes and behaviour of selected individuals or groups in accordance with Info Ops themes.*

*Unlike Media Ops, PSYOPS retains direct control over contents, dissemination and audience. Effective PSYOPS requires timely provision of resources such as linguistic support, graphics and print capability, broadcasting capability and other delivery mechanisms.*

*Messages can be presented by:*

*a. Print: enduring but not responsive.*

*b. Radio: immediate impact on a large audience. Broad, simple and repeated messages are required.*

- c. TV: extremely powerful, depending on audience access.*
- d. Loudspeakers: localised impact dependent upon linguistic support and access to desired areas.*
- e. Face to face (lectures, meetings and plays) and word of mouth (rumour and gossip): can be very effective in changing attitudes but dependent on local willingness to enter dialogue.*
- f. Internet, faxes, pagers and mobile communications: can be effective but again is dependent on access.*

*I believe that this is accurate and that they use the media to carry messages which are part of their psychological warfare. Having a rudimentary understanding of the depth, detail and scope of Info Ops I am also fairly sure that they will keep a record of shows which have been compliant or not with such requests (unless they have some unlikely Rain Man type figure keeping tabs)".*

13. The document cited by the complainant above can be found online<sup>2</sup>. However, the Commissioner can find no evidence within it to suggest that the MOD is actively requesting British television broadcasters to add to or edit the content of their programmes in line with this document.
14. During his investigation, the Commissioner asked the MOD to explain its position. It confirmed that, as cited above, it does liaise with broadcasters about various programmes but that it did not record a 'list' of such contacts. It also explained that the complainant had specified that he only wanted information about broadcasts connected with 'Information Targeting', 'Information Operations' and 'psychological warfare' rather than details about the more general assistance that the MOD may offer to broadcasters, but that more 'general assistance' would be all it would find if it were to undertake any searches.
15. It further clarified its media contact as follows:

*"An enquiry may be made as part of MOD's public media operations, for example an exchange with a TV company about a forthcoming documentary or news item on the armed forces and as such there may be some liaison, but this may or may not be recorded and will not be "listed" anywhere.*

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<sup>2</sup> <http://www.docdatabase.net/more-jwp-3-80-information-operations-648420.html>

*No enquires would be made relating to the business of TIO. The purpose of MOD public media operations are generally undertaken to:*

- a) present Defence in a positive manner; or*
- b) provide balance in a book or a programme (particularly if lack of MOD involvement would result in negative PR); or*
- c) inform the public, wider stakeholders and internal audience of MOD policy and activity.*

*Such themes/messages as the Department tries to get across to the public are for the above purpose. They are not Psychological Warfare themes/messages and the MOD does not pass such information through UK broadcasts.*

*...*

*Whilst one might argue that MOD's public media operations too might fit under this broad definition such operations are not considered to be part of psychological operations against the British public. The MOD is not engaged in Psychological warfare against the British population as [the complainant] appears to be suggesting by the nature of the information [he] has requested".*

## **Conclusion**

16. In view of the submissions made by the MOD, in contrast with the lack of viable evidence on the part of the complainant, the Commissioner has concluded that, on the balance of probabilities, the MOD does not hold any information relevant to the request.

## Right of appeal

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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: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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 .....**

**Graham Smith**  
**Deputy Commissioner**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**