

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 31 January 2023

**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 minutes of the National Security Liaison Group. The above public authority ("the public authority") relied on section 23 of FOIA to refuse the request.
2. The Commissioner's decision is that the public authority is entitled to rely on section 23 of FOIA to withhold the requested information. The MoD breached sections 10 and 17 of FOIA by failing to respond within 20 working days.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 6 September 2022, the complainant wrote to the public authority and requested various copies of the minutes of the National Security Liaison Group.
5. The public authority its refusal notice on 6 October 2022. Its final position was to rely on sections 23 (security bodies) and 40 (third party personal data) of FOIA to withhold information and section 40(5A) to refuse to confirm or deny whether the information contained any of the complainant's own personal data.

## Reasons for decision

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6. Public authorities are allowed to rely on section 23 of FOIA to withhold information that was either supplied by or relates to a specific list of security bodies. Section 23(3) sets out the list of security bodies covered.
7. The Cabinet Office provides the following information about the National Security Liaison Group:

“The National Security Liaison Group (NSLG) provides advice on FOI requests where there is a concern that information in scope of a request will engage exemptions related to national security, and to ensure these requests are handled appropriately under the Freedom of Information Act 2000, or other relevant legislation.

“The NSLG is made up of a range of stakeholders with core national security interests including the Cabinet Office, Foreign Commonwealth & Development Office, Home Office, Ministry of Defence, National Police Chiefs Council and security bodies.”<sup>1</sup>
8. The public authority confirmed in its response that some of the stakeholders on the National Security Liaison group are listed in section 23(3) of FOIA. As minutes are distributed to all stakeholders, any information falling within the scope of the request would self-evidently be information either supplied to, supplied by or related to, one or more security bodies.
9. Given the composition and function of the National Security Liaison Group, the Commissioner agrees that any information the public authority held would have been supplied to, supplied by or related to one or more security bodies. The mere presence of representatives of security bodies at such meetings is sufficient to engage section 23 of FOIA in respect of any information generated and there is no requirement to consider the public interest.
10. The public authority breached sections 10 and 17 of FOIA by failing to confirm that the information was held and to issue a refusal notice, within 20 working days, respectively.

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<sup>1</sup> <https://www.gov.uk/government/publications/cabinet-office-and-freedom-of-information>

## Right of appeal

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11. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

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

12. 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.
13. 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 .....**

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**