

# Memorandum

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and  
ASSOCIATES

Consulting Engineers The Gatehouse 1-2 Repository Road Ha Ha Rd London SE18 4BQ ☎ 44[0]20 8317 2860 fax [0]20 8317 2859 44[0]7971 088086  
largeassociates@largeassociates.com www.largeassociates.com

To: **Lin Clachan** Naval Service FoI Coordination Cell M3185-A38

From: **John H Large** 16 February 2010

Cc: Gareth Rowlands DE&S Policy Secretariat (Submarines)  
David Hoadley SCANS

Subject: **SOTONSAFE – FOI REQUESTS**

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I refer you the Decision Notice FS50194621 of 4 February 2010, issued under S50 of the Freedom of Information Act 2000 by the Information Commissioner and, specifically, to para 26 in which the Commissioner refers to the guidance it considers to be a reasonable time to arrive at a decision under the public interest test, this being the Commissioner's

*“... view is that public authorities should aim to respond fully to all requests within 20 working days. In cases where the public interest considerations are exceptionally complex it may be reasonable to take longer but, in our view, in no case should the **total** time exceed 40 working days.”*

against which the Commissioner found that the Ministry of Defence was, in delaying almost 5 months in the complaint under consideration (FS50194621), in breach of S17.3 of the Act.

Now, referring to my previous requests for information, for example M3185-A15 of 29 October 2009 for which item 2) remains outstanding and has been so for a period now well in excess of the 40 working days expectation of the Commissioner. On the basis of the circumstances of the FS50194621 complaint, I can see no reason why the Commission would not reach the same conclusion that your much delayed responses to my requests have also been in breach of S17.3 of the Act.

In light of the Commissioner's most recent ruling would you therefore provide me with your justification that the time you are taking is reasonable (S17.3) in determining the public interest on disclosure (S17.3b) for my item 2) of M3185-A15 and, similarly, for each of the other requests that remain outstanding to date.