

Memorandum

Large
and
ASSOCIATES

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To: **Kim Graham** Naval Service FoI Coordination Cell M3185-A41

From: **John H Large** 22 February 2010

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

Subject: **SOTONSAFE – FOI REQUESTS**

Thank you for your reply of 17 February 2010 to my M3185-A38 memorandum of 16 February, 2010.

First, permit me to explain to you that I would prefer not to get entangled in the detail of how your department manages its responsibilities and duties under the Freedom of Information Act 2000 but, that said, I should correct what may remain to be misunderstandings or, indeed, misinterpretations on your part.

For example, whereas I agree that the recent Decision Notice FS50194621 against the MoD primarily related to the time taken for the Internal Review, paragraph 26 that I referred you to was under the Commissioner's heading of '*Substantive Procedural Matters*'. In this section of the Decision Notice, the Commissioner was considering just the time taken to arrive at a decision under the public interest test and not, as you seemed to believe, the time taken to conduct the Internal Review. In this regard, the Commissioner considered that all requests however complex in nature should be dealt with, from receipt to final response, within a total time 40 working days.

It may be because the Office of the Information Commissioner has yet to publish Decision Notice FS50194621 on its web site that you are having difficulty accessing the full text and, if so, you can find a fully unredacted copy on the Large & Associates web site.¹

Now I refer to the outstanding item 2) of my previous request M3185-A15 of 29 October 2009. As you correctly note this has been transferred, by internal MoD arrangement, to another department or area of the MoD. Transferring the request away for your particular area does not, I suggest, absolve you of responsibility to ensure that the MoD, in whichever form and wherever it is located, continues to comply with the response priority required by the Act and the time limit stipulated by the Information Commissioner.

Since your colleague, Gareth Rowlands, at DE&S Policy Secretariat (Submarines), has chosen not to respond to me by his promised second timeline 18 February 2010 this request is now about 80 working days from the date of the original request of 29 October 2010. So, once again, would you therefore provide me with your justification that the time the MoD (as a Public Authority as defined by Schedule 1, Part 1 of the Act) is taking is reasonable (S17.3) in determining the public interest on disclosure (S17.3b) for my item 2) of M3185-A15, but if you cannot do this without further undue delay, then please refer this matter to Internal Review?

Once again, I have copied this note to the Head of Corporate Information for action in this regard.

¹ [http://www.largeassociates.com/3185%20SOTONSAFE/Information%20Commissioner%20%2005_02_2010%20\[123850\].pdf](http://www.largeassociates.com/3185%20SOTONSAFE/Information%20Commissioner%20%2005_02_2010%20[123850].pdf)