



# Ministry of Defence

Ref. 2015-07996

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Mr J Ainslie  
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2 June 2016

Dear Mr Ainslie,

## Release of Information

Thank you for your correspondence received on 14 September 2015, and further to our letter of 11 January 2016, requesting a copy of all reports and correspondence concerning the incident between a Royal Navy submarine and the Motor Vessel Karen in the Irish sea on 15 April 2015. Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000. The extreme delay in making this final response is regretted but the case has presented some difficulties which needed to be worked through and took more time than is usual.

I can confirm that the MOD holds information related to your request. The Department is permitted to withhold information for which an exemption is considered justified and in this case it has been decided that all of the information in scope will be withheld under the following qualified exemption(s) of the Act: Section 24 (National Security), Section 26 (Defence), Section 36 (Prejudice to Effective Conduct of Public Affairs).

Under s24 it is necessary to consider whether any harm to national security might result from its disclosure under the Act. Some of the information may reveal details of current or future security measures or operations which, if released, would undermine the effectiveness of these measures and pose a risk to UK national security. It is normally the case that the MOD does not reveal any information about submarine operations.

Under s26(1)(b) information is exempt if its disclosure under the Act would, or would be likely to, prejudice the capability, effectiveness or security of any relevant forces. Some of the information falls within the scope of s26 to the extent that it would reveal operational practices and techniques that are still in use or might otherwise compromise current or future operations or the capability, effectiveness or security of our Armed Forces.

Under s36(2)(b)(i), information is exempt if, in the reasonable opinion of a qualified person, disclosure would inhibit the free and frank provision of advice within Government. Some of the information falls within the scope of s36(2)(b)(i) to the extent that disclosure is likely harm the frankness and candour of such advice being given in future and would be likely to prejudice the conduct of public affairs.

As these are qualified exemptions, it was necessary to decide whether the balance of public interest lies in maintaining these exemptions or is considered to be outweighed by the public interest in disclosure. In doing this it is recognised that there is wide interest in our national security and that

disclosure would broaden public understanding of the capability of our Armed Forces to defend the UK and its interests, and also that there is a legitimate public interest in having some visibility of the decision making process of senior officials within the department.

However, on balance we believe that the disclosure of such information would do more harm than good by enabling conclusions to be drawn about the UK defence capability which would impact on our ability to safeguard national security in future. It has therefore been concluded that the public interest factors against the release of this information significantly outweigh those in favour and that all of the information should be withheld.

Under Section 16 of the Freedom of Information Act 2000, duty to provide advice and assistance, I can inform you that the subject of your request has been a topic of debate in the Houses of Parliament and the following hyperlinks to the relevant entries in Hansard are provided to assist you with locating the information that is already in the public domain:

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150604/debtext/150604-0002.htm#15060445002437>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-06-02/813/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-06-05/1312/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-06-09/1736/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-06-09/1737/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-06-10/2053/>

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150713/debtext/150713-0001.htm>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-08/9640/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-08/9641/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-08/9420/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-08/9568/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-08/9421/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-08/9422/>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-09-08/9423/>

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-09-07/HCWS177/>

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150916/halltext/150916h0002.htm>

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 2<sup>nd</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

Navy Command Secretariat – FOI Section