

XV230 NIMROD BOI REDACTION PRINCIPLES

Each redaction in the BOI Report and Annexes has been mapped to one of the following FOIA exemptions:

Section 26 – Defence of the UK Armed Forces;

Section 38 – Information which might endanger the physical or mental health of any individual;

And Absolute Exemption

Section 40 – Personal Information

Section 26 and Section 38 are qualified exemptions and therefore there is a need to consider the Public Interest (PI) arguments both for and against disclosure. These arguments are summarised as follows:

Section 26 – Defence of the UK Armed Forces

The redactions under Section 26 can be found at:

Main Report:

Page 2-1, Opening Para and Para 1,
Page 2-2, Paras 2, 3 and 4,
Page 2-3, Paras 5 and 6,
Page 2-4, Paras 7 and 8,
Page 2-5, Paras 8 and 9,
Page 2-6, Para 9,
Page 2-9, Paras 19d and 19f,
Page 2-11, Para 20j,
Page 2-12, Para 21d,
Page 2-13, Para 22a,
Page 2-14, Para 25,
Page 2-15, Para 27,
Page 2-25, Para 35,
Page 2-26, Para 36a and 36b,
Page 2-29, Para 39a,
Page 2-34, Para 40d(2),
Page 2-44, Para 58,
Page 2-46, Para 64d.

Annexes:

Page A-1,
Page A-2,
Page A-3,
Page A-4,
Page A-5,
Page B-2,
Page F-1, Para 2,
Page F-3, Para 7d and e,
Page F1-1, Table 1,
Page J-1,
Page N-1, Para 3,
Page P-1, Para 2,
Page P-3, Para 7,
Page Q-1,
Page Q-2,
Page R-1,
Page R-2,
Page S-1,
Page S-2.

a. Public Interest (PI) factors in favour of disclosure

- Furthering public understanding of the issues of the day, i.e. the risks faced by the UK armed forces personnel deployed on operations;
- Demonstrating that all necessary measures are being taken to protect the safety and security of UK Armed Forces personnel deployed on operations;

- Demonstrating that resources are being utilised appropriately to provide UK Armed Forces personnel with the equipment they need, both to protect their personal safety and carry out their duties effectively.

b. PI factors against disclosure

- Protecting the capability of UK Armed Forces – the information potentially could be used by hostile elements to threaten the integrity and security of future UK military operations;
- Protecting the security of members of the UK Armed Forces – the information could potentially be used to endanger the safety and security of our personnel, and of coalition forces operating with them;
- There is a presumption in the FOI Act that the safety and effectiveness of the Armed Forces are in the public interest, and should not be put at jeopardy in any circumstances.

An assessment of where the greater public interest lies is made by balancing the arguments for and against disclosure. In the present case, the public interest in protecting the operational capability of the UK Armed Forces, and the safety and security of armed forces personnel, is paramount and outweighs the PI factors in favour of disclosure.

Section 38 – Information likely to endanger the physical or mental health of any individual

The redactions under Section 38 can be found at:

Main Report:

Page 2-2, Para 2,
Page 2-5, Para 9,
Page 2-6, Para 11.

a. Public Interest (PI) factors in favour of disclosure

- The Act stipulates that there should always be a presumption towards disclosure;
- Further understanding of the nature of the incident.

b. Public Interest (PI) factors against disclosure

- The health and wellbeing of the families of those killed should remain a primary consideration at all times;
- Release of information should be considered in proportion to the harm that might be caused.

An assessment of where the greater public interest lies is made by balancing the arguments for and against disclosure. In the present case, the public interest in protecting the wellbeing of the next of kin and relatives of those killed outweighs the PI factors in favour of disclosure.