

Spitfire Block
Royal Air Force
High Wycombe
Buckinghamshire
HP14 4UE

Our Ref: 21-09-2009-092654-001

15 January 2010

Dear [REDACTED]

Further to our response to you dated 30 November, concerning the copies of documentation of any internal discussions within MOD regarding the release of MOD UFO files, this letter is to inform you of the outcome of my work.

Please find enclosed with this letter, a copy of the Ministerial Submission and Ministerial response regarding the transfer of MOD UFO files to The National Archives for release.

Some of the information contained within paragraph 12 of the Ministerial Submission was considered to fall within the scope of exemption Section 42 (Legal professional privilege). This exemption is a qualified exemption and, as such, it has been necessary to decide whether, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure. Additionally, a small amount of information such as names, room and telephone numbers has been withheld, as the information does not form part of your request.

As you will be aware, exemption 42 covers all information, subject to legal professional privilege. An assessment of where the greater public interest lies was made by balancing the arguments for and against disclosure.

The balance of the public interest lies in favour of withholding a portion of the information you have requested. The release of this information could compromise the confidentiality of legally privileged material provided to the Minister. Provision of the information would provide an insight into the legal aspects of procedures implemented to publish the UFO files; the Department has to protect the confidentiality of legally privileged advice.

For the reasons described above we are unable to provide details of the legal advice which supports our action to transfer the MOD's UFO files to The National Archives for release.

As these documents are deemed to be of public interest they will be published, in the near future, as part of the MOD's FOI publication scheme and can be found at the following address:

www.foi.mod.uk.

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 Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail 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.gov.uk>.

Yours sincerely

[Redacted signature]