



Fleet Headquarters

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**Our Reference:** 10-04-2007-161440-009

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20 June 2007

Dear Mr XXXXXXX,

Release of Information

Further to our letter dated 11 May 2007, I am now in a position to provide a substantive response to your enquiry.

You requested information concerning the accounts provided by the 15 RN/RM personnel detained in Iran of what happened to them.

As indicated previously, I can confirm that the Department holds information of the description specified in your request. However, it is believed that some of the information falls within the scope of the exemptions in the FOI Act at section 24 (National Security), section 26 (Defence), section 27 (International Relations), section 38 (Endanger Physical or Mental Health and Safety), section 40 (Personal Data) and section 44 (prohibited by other legislation). After careful consideration, and for the reasons set out below, it is concluded that there is no obligation under the Act to disclose this information.

Section 24(1) of the Act states that information is exempt from disclosure for the purpose of safeguarding national security.

Under S26(1)(b) information is exempt if its disclosure would, or would be likely to, prejudice the capability, effectiveness or security of any relevant forces.

Section 27(1)(a) exempts information if its disclosure under the Act would, or would be likely to, prejudice relations between the UK and any other State.

Under s38(1), information is exempt if its disclosure would, or would be likely to, (a) endanger the physical or mental health of any individual or (b) endanger the safety of any individual. Some of the information may contain details of a sensitive nature that could, if disclosed, endanger an individual's physical or mental health or safety.

Section 40(2) exempts information if it constitutes personal data or where the disclosure of the information to a member of the public otherwise under the Data Protection Act 1998 would contravene any of the data protection principles.

Under section 44, information is exempt if its disclosure is prohibited by or under any enactment. In this particular case, it is the right to privacy under the Human Rights Act 1998 (HRA 98).

With the exception of s40 and s44, which are absolute exemptions, we have considered the balance of the public interest in disclosing and withholding the information by maintaining the qualified exemptions detailed above.

The debriefing accounts given by the detainees constitute a mixture of personal information and sensitive medical information interspersed with accounts concerning interrogation techniques and other operational matters.

Information which constitutes personal data is exempt under the absolute exemption s40 and the release of such personal information which could lead to the individuals being identified could endanger their physical and mental wellbeing and infringe their right to privacy and family life – HRA98. Information which provides details of the assessment of any damage to our operational manoeuvres could disclose vulnerabilities of UK Forces which would prejudice our capability and operational effectiveness. In addition, the debriefings contain some information which may, if disclosed, impact negatively on, or prejudice, the UK's international relationships and interests.

The transcripts of the individual press statements read out at the Press Conference by two of the detainees, which fall within the scope of your request, are attached.

Further information about the detention of the 15 RN/RM personnel by the Iranians and related media handling is available in the publication of the Hall Report and the statement on the Fulton Review. This is available on the MOD Website at the following link: [www.mod.uk.hallreport](http://www.mod.uk.hallreport).

If you are unhappy 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 Director of Information Exploitation, 6<sup>th</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail Info-XD@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 unhappy 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 the case until the 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

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