

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 November 2022

Public Authority: Ministry of Defence
Address: Main Building
London
SW1A 2HB

Decision (including any steps ordered)

1. The complainant has requested information about the UK's deployment of Reaper drones. The above public authority ("the public authority") relied on sections 26 (defence) and 27 (international relations) of FOIA to withhold the information.
2. The Commissioner's decision is that the public authority is entitled to rely on section 26 and that the balance of the public interest favours maintaining the exemption.
3. The Commissioner does not require further steps.

Request and response

4. On 12 May 2022, the complainant wrote to the public authority and requested information in the following terms:
 - "Please can I ask under the Freedom of Information Act
 - "a) How many RAF Reapers are assigned to PJHQ [Permanent Joint Headquarters]?
 - "b) The location by geographical region of RAF Reapers not assigned to PJHQ?
5. The public authority responded on 13 June 2022. It confirmed that it held information, but relied on sections 26 and 27 of FOIA to withhold that information. It upheld this position at internal review.

Reasons for decision

6. The following reasoning sets out why the Commissioner considers that the public authority is entitled to rely on section 26 of FOIA.
7. The Commissioner considers that the public authority has set out, in its responses, a clear explanation of why disclosure of this information would prejudice the effectiveness, capability or security of the forces of the Crown.
8. The MQ-9 Reaper is an unmanned aerial vehicle which can carry missiles. It is designed to spend a long time cruising at high altitude either conducting reconnaissance or locating a target which it can fire at.
9. According to the most recent defence statistics, as of 2021, the UK had 10 of these craft – of which nine were in service. Given the relatively small total, a further disaggregation would provide a much clearer picture of where the UK's defence capability was currently deployed.
10. The Commissioner agrees the with public authority that the more information adversaries have about the UK's defence capabilities, the easier it will be to develop and implement effective counter-measures – which in turn could increase the danger to the forces of the Crown. The Commissioner is therefore satisfied that section 26 of FOIA is engaged.
11. On public interest, the complainant has argued that there is a public interest in transparency as this would increase confidence that such craft are being deployed in accordance with the law – as well as correcting misinformation about deployments.
12. The Commissioner recognise that there is some public interest in transparency – especially when the craft can be used to hit targets in foreign jurisdictions. However, he is satisfied that Parliament can exercise oversight of such operations without publication of the withheld information.
13. In the Commissioner's view, the balance of the public interest favours maintaining a certain degree of ambiguity about the UK's military capability and how exactly it is deployed. Section 26 is thus engaged and the balance of the public interest favours maintaining this exemption.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF