

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 17 September 2024

Public Authority: Ministry of Defence

Address: Whitehall
London
SW1A 2HB

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-299772-Q5L1, for a decision whether a request for information made by the complainant to the Ministry of Defence (MOD) on 27 September 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The complainant submitted the following request to the MOD on 27 September 2023:

"According to JSP 900 Edition 5 (2021) the MOD maintains a number of lists related to its targeting of "entities".

Please provide PDF copies of:

1. The current Candidate Target List (CDL) of unvalidated targeted entities.
 2. The current Joint Target List (JTL) of validated targeted entities.
 3. The current Restricted Target List (RTL) of restricted validated targeted entities.
 4. The current Master Target List.
 5. Numbers of entities on each of the above lists between 2014-present, that provides an account of the growth or reduction in numbers of entities in each list indentified [sic] above.
 6. The numbers of indentified [sic] individuals who are UK nationals in each list above."
3. The complainant contacted the MOD on 26 October 2023 and submitted the following revised version of his request:

"The request below corrects some errors in the original request

According to JSP 900 Edition 5 (2021) the MOD maintains a number of lists related to its targeting of "entities".

Please provide PDF copies of:

1. The current Candidate Target List (CDL) of unvalidated targeted entities.
2. The current Joint Target List (JTL) of validated targeted entities.
3. The current Restricted Target List (RTL) of restricted validated targeted entities.
4. The current Master Target List.
5. Numbers of entities on each of the above lists between 2014-present, in a form that provides an account of the growth or reduction in numbers of entities in each list identified above.
6. The numbers of identified individuals who are UK nationals in each list above."

4. The MOD acknowledged receipt of this request on 26 October 2023, under reference number FOI2023/12991.
5. The MOD provided a response to the request of 27 September on 30 October 2023, under reference number FOI2023/11767. It confirmed that the requested information was held but it considered this to be exempt from disclosure on the basis of section 26(1) (defence) of FOIA.
6. The complainant contacted the MOD on the same day and asked it to conduct an internal review of this refusal. To date this internal review has not been completed.
7. The complainant contacted the Commissioner on 5 April 2024 to complain about the MOD's refusal to provide the information falling within the scope of his request of 27 September 2023, and in turn, the information falling within the scope of his 26 October 2023 request.
8. The Commissioner contacted the MOD on 4 July 2024 and asked it provide him with a copy of the withheld information falling within the scope of this request and submissions to support its application of section 26 of FOIA. The Commissioner asked for a response to be sent within 10 working days.
9. The MOD contacted the Commissioner on 18 July 2024 and provided him with an update on its progress in responding and asked for further time until 9 August 2024 to complete this response. The Commissioner agreed to this extension.
10. The MOD contacted the Commissioner on 9 August 2024 and provided him with a further update on its progress in responding but noted that it was not yet in a position to provide a final response. It suggested that the internal review could be issued to clarify its position in relation to each part of the request.

Information required

11. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the MOD shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - a) a copy of the internal review,
 - b) submissions to support its application of any exemptions/provisions within FOIA it is now seeking to rely on, and,

- c) if the MOD is relying on any exemptions to withhold information, full access to such information.

Failure to comply

12. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

13. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by

Jonathan Slee
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Cheshire
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