

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 June 2023

Public Authority: Ministry of Defence
Address: Whitehall
London
SW1A 2HB

Decision (including any steps ordered)

1. The complainant requested information from the Ministry of Defence ("MOD") about the number of RAF Reaper Pilots, Sensor Operators and information about the Protector aircraft.
2. The Commissioner's decision is that the MOD breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 1 March 2023, the complainant made the following request for information:

"Please can I ask under the Freedom of Information Act for the following information:

1) The number of RAF Reaper Pilots and Sensor Operators currently assigned to i) 13 Squadron; ii) 39 Squadron, (iii) embedded with the USAF, iv) embedded or serving with any other national force at today's date (1st March 2023)

2) At today's date (1 March 2023), the total number of personnel who have qualified as an RAF Reaper Pilot or Sensor Operator since 1st January 2018?

- 3) At today's date (1st March 2023), the number of RAF personnel qualified to operate Protector
 - 3) The current Initial Operating Capability date and Full Operating Capability date for Protector.”
4. MOD responded to the request for information on 2 June 2023.

Reasons for decision

5. Section 1(1) of FOIA states that:
- “Any person making a request for information to a public authority is entitled –
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.”
6. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
7. From the evidence provided to the Commissioner in this case, it is clear that MOD did not deal with the request for information in accordance with FOIA. The Commissioner finds that MOD has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

8. 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

9. 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.
10. 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

Catherine Fletcher
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF