



Ref : FOI2024-005

22nd February 2024

Dear [REDACTED]

Further to our previous correspondence regarding your request for the following information:

Please provide the quantity of confidentiality/gagging clauses, non-disclosure agreements, or other such legal devices, used to limit employee discussion of individual pay interventions offered since 31 May 2020.

Please categorise this by year, broadband, employing function, size of pay intervention, and whether consolidated or non-consolidated.

Your request has been handled as a request for information under the Freedom of Information Act 2000 (the Act).

A search for the requested information within the Atomic Weapons Establishment (AWE) has now been completed, and we can confirm that some information in scope of your request is held. Due to a change in software, we are only able to provide information from 2021 onwards.

We are able to disclose the following information in relation to the confidentiality clauses used to limit employee discussion of individual pay interventions offered since 2021.

AWE's Broadband refers to the pay grades. These are A1, A2, B1, B2, C1, C2 – with C2 being the most senior.

Date	Number of Employees	Broadband	Function	Value pp pa	Total Value	Consolidated or Non-Consolidated
2021-2023	31	B2, C1 & C2	Science	£4000-£4120 pp pa	£126400	NC Allowance

Date	Number of Employees	Broadband	Function	Value pp pa	Total Value	Consolidated or Non-Consolidated
2021-2023		C1 & C2	Legal & Commercial	10% of base pay	£61,564	NC Allowance



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Section 40(2) has been applied to the number of employees within the legal and commercial departments in order to protect personal information as governed by the Data Protection Act 2018. The number of employees falling within this category is very low and therefore disclosure risks individuals being identifiable. Section 40(2) requires AWE to conduct a balancing exercise to consider the balance of the rights and interests of individuals against the legitimate interests in disclosure; this is not the same as carrying out the public interest test associated with certain other exemptions in the FOI Act. The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the number of employees falling within this category.

Please remember to quote the reference number above in any future communications. If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you are unhappy with the way your request has been handled you have a right to request an internal review within 40 days of receiving this letter, by writing to information.requests@awe.co.uk or our postal address: Information Requests Team, AWE Aldermaston, Reading, RG7 4PR. If you are still unhappy after an internal review has been completed, under the provisions of Section 50 of the Freedom of Information Act 2000 you have the right to take your complaint to the Information Commissioner's Office. Please note the Commissioner will generally not consider a complaint until you have exhausted AWE's internal complaints process.

Yours sincerely,

AWE Information Requests Team