



Ref : FOI2024-004

[REDACTED]

8th February 2024

Dear [REDACTED],

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

Can I therefore ask

** Can you confirm whether the 27/11/97 file titled "nuclear test veterans" is withheld under LCI 118;*

** Can you provide a schedule to LCI 118 which relates to any AWE or MoD files;*

** Can you provide an explanation as to why the publicly available LCI 118 and its schedule do not relate to these 1997 files that were withheld using it;*

** Can you provide the dates of the "rolling review" on which these files have been reassessed and confirmed as withheld.*

- On Nov 9, in an FOI response to me (ref FOI2023-040) AWE stated that a file in your database titled 'Signals Out - Antler' ES1/745 had been locked in 1997 under LCI 76. Is this correct, ie an earlier exemption for Merlin or its predecessors, and has it now been replaced by LCI 118? If so, why did your response cite an apparently redundant method of exempting the file?

- In a written Parliamentary answer on Dec 6, 2023 (ref 4035), the Culture Secretary was asked about LCIs 118 and 76. His response implied they locked different files, not the same ones, and cited different exemptions for each. His response is below and includes two exemptions more than in your last response. Which set of exemptions are correct, yours or his? Why does the Culture Secretary seem unaware that LCI 76 is, if I've got this right, no longer in use?

- The publicly-available versions of LCIs 76 and 118 from the National Archives are attached to this email. 76 was invoked in 1986, 118 in 1997. Neither features a date in 2014. The schedule of documents locked under both do not seem to contain the files under discussion - 76 had no MoD files at all, and 118's schedule has nothing with the same title. Is the NA version of these LCIs historic, and therefore redundant? Your previous responses on these LCIs has been to tell me copies are available at TNA. At what point does an LCI go to TNA - immediately, or perhaps years after it has been created?

- It seems possible from the above that AWE's system of record-keeping allows files to be added to the Merlin database over time, and for LCIs exempting it to be updated on the basis of the changing content of the database and perhaps changes to legislation. Is this right? Can you confirm whether a serving Cabinet minister or the Lord Chancellor is required to



approve each LCI when AWE adds a document, or collection, to it in this way? ie, who signed it off in 2014?

- If AWE has added the totality of the Merlin database to LCI 118 in 2014, are you able to provide the relevant, current and up-to-date schedule of documents withheld under it by the AWE? Is there a publicly-available version of this refreshed LCI 118, considering the one in TNA is dated 17 years earlier?

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

We have carried out thorough searches to locate the information you requested and can confirm that AWE does not hold any recorded information to be able to provide answers to your questions.

Under Section 16 of the FOI Act (advice and assistance) you might find it helpful to note that The Merlin Database is a standalone, read-only system protected from modification.

LCI 76 was effective between 2004-2014, replaced by LCI 118. For more information on the processes and schedules of the current LCI's you may wish to contact The National Archives via [Making a Freedom of Information request - Freedom of Information \(nationalarchives.gov.uk\)](http://nationalarchives.gov.uk).

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