

Ref: FOI2024-033

[REDACTED]

18<sup>th</sup> June 2024

Dear [REDACTED]

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

*I would like to request the following information:*

*1. For each currently active Joint Working Group (JOWOG) under the US-UK Mutual Defence Agreement:*

- a) the group's terms of reference*
- b) the title of each agenda item from its most recent meeting*

*2. The number of employees of:*

- a) AWE who are currently seconded to the US Nuclear Enterprise, and which departments/companies they have been seconded to*
- b) the US Nuclear Enterprise currently seconded to AWE and which departments they have been seconded to*

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

We can confirm that the Atomic Weapons Establishment (AWE) holds all of the information requested.

However, we are withholding the information under Section 40 (2) and Section 27(1) of the FOI Act.

AWE are obliged to comply with the Data Protection Act 2018 and UK GDPR and as such are prohibited from disclosing personal data to third parties, where doing so would breach the data protection principles set out in the UK GDPR. Section 40(2) is an absolute exemption and as such does not require a Public Interest Test (PIT) to be carried out.

Section 40(2) has been applied to the the number of employees seconded 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.

Section 27(1) provides that information can be withheld where disclosure would or would be likely to harm UK interests which are set out in the exemption. Section 27(1) is a qualified exemption and as such is subject to the PIT. The PIT has been conducted and has fallen in favour of applying the exemption, consequently, withholding the information in full.

We will now set out arguments for and against disclosure in terms of the public interest, along with the reasons for our conclusion.

AWE recognises that there is a public interest in demonstrating the extent of continued collaboration between the UK and US under the MDA (Mutual Defence Agreement) for mutual benefit. However, the UK has a clear duty to protect information relating to the MDA and UK-US collaboration on nuclear matters has previously only been publicised in general terms. A release of the information would cause damage to the UK's reputation as a credible partner, and our relationship with the US. AWE will not release information that will negatively impact future collaboration on nuclear matters and that may also impact wider defence and government collaboration.

The balance of the PIT concluded that whilst release would increase public understanding and confidence in the relations the United Kingdom has with other international states in its assistance with operations, the balance of the public interest lay in withholding the information you requested.

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](mailto: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