

Ref: FOI2025-008

25 February 2025

Dear [REDACTED]

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

*Could you please advise what your IT budget looks like for the coming Financial year and who would be responsible for each of the below key IT roles?*

Position	Name	Email	Phone Number
IT Procurement Manager			
Commercial Manager			
Direct or IT			
Head of IT			
Cyber Security Manager			
Sustainability Manager			

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

We can confirm that AWE holds all of the information you have requested, however we are withholding the information under section 43(1) & (2) and section 40 (2) of the Act.

#### Section 43(1) & (2) - Commercial Interests

Section 43 (1) of the Act exempts information which when disclosed would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). This includes any specific content relating to an organisation's commercial activity which may include trading (sensitive procurement data of a financial nature) and relationships with third parties, may be withheld under this exemption.

Section 43 (2) of the Act provides an exemption for information that constitutes a trade secret or whose disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). The exemption is designed to protect sensitive commercial information that could harm the competitive position of a business or organization if it were made public.

Section 43 is a qualified exemption subject to a Public Interest Test (PIT) which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Although the Freedom of Information Act does not define 'in the public interest', there is a presumption under Freedom of Information that openness is in the public interest. In applying the public interest test a

public authority will take into account the distinction that has been often made by courts between things that are in the public interest, and things that merely interest the public.

We have identified the following public interest factors that may be seen as encouraging the disclosure of information:

a) Accountability of public spending

Disclosing the IT budget enhances transparency and accountability, enabling the public to see how public funds are allocated and spent. The public has a valid interest in knowing how AWE invests in IT. Disclosure of the IT budget would promote transparency and accountability, allowing the public to gain insight into how public funds are allocated and spent, ensuring that financial resources are being used efficiently and effectively.

However, revealing the IT budget will expose sensitive financial details, which could be advantageous to competitors of our suppliers and damaging to the commercial interests of all parties. Certain elements of the IT budget might include trade secrets, which are protected under Section 43 (1).

After considering the arguments for and against disclosure, it is determined that the public interest in withholding the IT budget outweighs the public interest in disclosure for the reasons stated above. As the exemption is prejudice based, the risk of releasing the exempted information would be highly likely to prejudice the commercial interests of AWE and stakeholders.

#### Section 40 (2)- Personal Information

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 2018. Section 40(2) requires the Department to conduct a balancing exercise which involves balancing 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 exemptions under the 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 interest's test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the third-party personal data identified as being within scope of your request.

However, some of the information relating to the director of IT at AWE is already reasonably accessible and is being withheld under section 21 of the Act. Please see the link below:

<https://www.awe.co.uk/case-study/andrew-chalklin/>

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