



Navy Command

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Our Reference: 28-05-2008-101919-001

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21 July 2008

Dear XXXXXXXXXXXX

Release of Information

Further to my letter of 11 June, I am writing to inform you that I am now in a position to give you a substantive response to your request for information on the crash of an AAC Gazelle helicopter at Pleasant Peak Falklands on 6 June 1982.

Please find enclosed copies of Part 1 of the Board of Inquiry (BOI), held by the Ministry of Defence (MOD) into the crash, which comprises the Convening Order, Summary, findings and recommendations and the Higher Authority's comments. It has been concluded that, for the reasons set out below, some of the information within the documents falls within the scope of an exemption in the FOI Act at Section 26 (Defence).

Section 26(1)(b) of the Act states that information is exempt if its disclosure under the Act would, or would be likely to, prejudice the capability, effectiveness or security of any relevant forces. As the exemption under s26 is qualified, we have considered the balance of public interest in disclosing and withholding information by maintaining the exemption. In this case, one small section, Paragraph 13 of the report, contains operational details of the Royal Navy's activities, which, even with the passage of time since the Falklands campaign, would be of use to potential enemies. It has therefore been decided to redact, under s26, this paragraph, which comprises the only redaction made to the wording of the report.

The names of the Board Members of the BOI and their contact details have been redacted as appropriate since they are not relevant to the request.

In addition to the report of the BOI itself, I also attach copies of two extracts from Hansard Parliamentary record (25 June 1986 and 2 February 1987). These are Written Answers made by the then Minister of State for the Armed Forces, Mr John Stanley, and describe in detail the reasons for the change in interpretation of the causes of the Gazelle crash – from the original conclusion that the downing resulting

from enemy action - to one where, as the BOI describes, the Gazelle was, tragically, almost certainly brought down by a missile from a RN Frigate.

Finally I apologise for the time taken to respond to your original request. As I explained in my last letter, our initial searches were unsuccessful in retrieving any information, and when the BOI did eventually come to light, it was necessary to consider whether all the information could be released. I hope the documents released are helpful to you.

This letter constitutes the notice required to be given under Section 17(1), (3) and (7) of the Act

If you are unhappy with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Director of Information Exploitation, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail Info-XD@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain unhappy following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate the case until the internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.informationcommissioner.gov.uk>.

Yours Sincerely,

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The Constitution Unit, a research body at University College London, is carrying out an independent evaluative study of the Freedom of Information Act 2000 in co-operation with a number of public authorities, including the Ministry of Defence. An important part of the evaluation process is gathering the experiences and opinions of FOI requesters like you. Any information you provide will only be seen by the Constitution Unit and will be handled in accordance with its privacy policy explained in the survey. The Ministry of Defence will only see the published results: no individual responses will be visible to us and your participation will have no effect on your future dealings with the Ministry.

If you would like to take part in this study, please visit the following link to be taken directly to the survey: <http://tinyurl.com/6prff8>. Or, if you prefer, contact Ben Worthy at b.worthy@ucl.ac.uk or on 020 7679 4974 to ask more about the study.