



Home Office

Shared Services
Directorate
2 Marsham Street
London SW1P 4DF

020 7035 4848
(switchboard)

www.homeoffice.gov.uk

Jo Hedges
hedgesj@policewitness

19 December 2012

Dear Ms Hedges,

Reference - 24677

Thank you for your correspondence of 22 October in which you ask for information on the threat of space weather, and for details of resources and finances 'attributed' to all aspects of space weather past, present and forecasted. Your request has been handled as a request for information under the Freedom of Information Act 2000 (the Act). Please accept my apologies for the length of time taken to provide a response to you.

The Home Office confirms it holds some information within scope of your request. This information is however considered to be exempt from disclosure under the exemptions at sections 24(1) and 35(1)(a) of the Act. These exemptions concern respectively, prejudice to national security, and prejudice to the formulation and development of government policy. Explanation of why these exemptions are considered to be engaged towards your request and the requisite balance of public interest in their application is set out at the enclosed Annex.

Without prejudice to its reliance on the exemptions at section 24(1) and 35(1)(a) towards information that it confirms it holds, the Home Office additionally neither confirms nor denies whether it holds any further information supplied by or relating to a body dealing with security matters, in the context of your request. In this respect the Home Office is also reliant on the exemption at section 23(5) of the Act.

The exemption at section 23(5) of the Act is an absolute exemption and does not require an assessment of the balance of public interest to be carried out. The exemption at section 23(5) may be cited in those instances where to disclose whether a body listed at section 23(3) of the Act may, or may not, have interest in a matter, would itself reveal sensitive information, in either respect.

Please note that reliance on the exemption at section 23(5) should not be understood as a confirmation or denial that any such information does, or does not, exist – or is, or is not, held by a public authority.

For the purpose of advice and assistance you may wish to know that some information on the risks of space weather is available in the public domain. The National Risk Register, available online at the below web-link provides information on civil emergency risks the UK could face over the next five years, including space weather.

- <http://www.cabinetoffice.gov.uk/resource-library/national-risk-register>

Finally, please note that this response is provided only on behalf of the Home Office. If you require information from other government departments you will need to contact them direct.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 24677. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
email: info.access@homeoffice.gsi.gov.uk

Should you remain dissatisfied after this internal review, you will have a further right of complaint to the Information Commissioner.

Yours sincerely,

R. Clifford
Information Access Team

Switchboard 020 7035 4848
E-mail info.access@homeoffice.gsi.gov.uk

Annex

The exemption at section 24(1) of the Act

The Home Office considers information you have requested to be exempt from disclosure on the grounds that release of documentation the Home Office holds would be prejudicial to national security. The information is thereby withheld under the exemption at section 24(1) of the Act. This exemption is defined in FOI legislation as follows:

24(1) Information which does not fall within subsection 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security.

The exemption at section 35(1)(a) of the Act

The Home Office considers information you have requested to also be exempt from disclosure on the grounds that its release at this juncture would prejudice the formulation and development of government policy. To this extent the information is considered to be exempt from disclosure pursuant to the engagement of the exemption at section 35(1)(a) of the Act. This exemption is defined in FOI legislation as follows:

*35 (1) Information held by a government department or by the Welsh Assembly Government is exempt information if it relates to—
(a) the formulation or development of government policy,*

Consideration of the balance of Public Interest

Some of the exemptions in the Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). The exemptions under sections 24(1) and 35(1)(a) are two such exemptions. The PIT is used, in the case of these exemptions, to assess the balance of the public interest for and against disclosure of the disputed information. The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole.

The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public. The Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information.

In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK, actively seek to undermine efficient government, or otherwise misuse information provided to them. On this basis please find set out below a consideration of the balance of public interest regarding the disclosure of the information you are seeking.

Public interest arguments in favour of disclosing information

The Home Office recognises that there is a general public interest in openness and transparency in all aspects of government. Openness increases public trust and confidence in government. The release of information around policy development can potentially lead to greater engagement in political debate and policy discussions, as the public would become better informed on all aspects of the work of government. It would also potentially give interested parties an opportunity to contribute to the policy making process.

It may also be argued that disclosure of information the Home Office holds on space weather and its link to matters of national security would provide the public with understanding and reassurance

as to how the UK government might react to any threat or challenge that space weather might present. Disclosure of information relating to matters of national security would enable the public to assess the substance and rigour of government work in this area. This outcome would be in the broadest public interest.

Public interest arguments in favour of withholding information under sections 24(1) and 35(1)(a)

In the first instance, disclosure of that information which the Home Office holds would be prejudicial to live policy development ongoing in the area of space weather. As made clear in the National Risk Register, space weather science is a relatively young field and its impacts on modern society are only recently coming to the fore. To this end it is incumbent on the government to give full and proper consideration to how it should best plan to mitigate the effect of such on the UK.

In order to develop robust and effective policies, it is essential for the functioning of the policy process that officials are able to give advice freely and frankly to senior officials and Ministers without concern for premature public censure or partisan criticism. If this information were to be routinely released, it could have the effect of restraining the frankness of advice provided and restricting the 'safe space' available to officials to consider and debate the shape of any potential policy. As the matter of space weather is a current concern this makes the need for officials to develop policy, in an as efficient a manner as possible, even more compelling.

With respect to national security, disclosure of the disputed information would reveal sensitive information about the nature of UK concerns around the impact of space weather and the actions undertaken to mitigate such. Given that a severe space weather event may have the propensity to cause damage to elements of the UK's electronic infrastructure there is a clear link to matters of national security.

The safety of the UK and its citizens are amongst the most weighty of all concerns addressed within the framework of FOI legislation. The public interest considerations favouring the protection of such always necessitate close scrutiny and cannot be set aside lightly. In this respect having considered both the arguments for and against release of the disputed information, I believe that the balance of public interest favours non-disclosure in all circumstances of the case. The nature of prejudice that would occur were the requested information to be released outweighs the benefits that might otherwise be realised by disclosure.

Conclusion

In all circumstances of the case I believe the public interest in favour of withholding the disputed information outweighs that in favour of release.