



**Hampshire
& Isle of Wight**
FIRE & RESCUE SERVICE

Information Compliance Team

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Sent by email to:

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Date: 4 May 2023

Our Reference: FOI 159 22-23

Enquiries to: Information Compliance Officer

Freedom of Information Act 2000

Dear [REDACTED]

We are writing in respect of your application for the release of information held by the Service, which we received on 23 March 2023. We can confirm that we have now completed our search for the information requested.

You asked:

I wish to obtain a copy of your memorandum of understanding with the ARFF teams at Southampton, Solent (Lee-On-Solent/Daedalus), and Farnborough (if applicable).

Our answer:

We do not hold a memorandum of understanding (MoU) for Solent and Farnborough Airports. Therefore, we are unable to provide this information as per Section 1 of the Freedom of Information Act 2000.

We can confirm we hold the information for Southampton Airport, but we are refusing to provide the information as per Section 38(1) and Section 24(1) of the Freedom of Information Act 2000.

National Security

The MoU for Southampton Airport is exempt under section 24(1) National Security of the Freedom of Information Act 2000. Section 24(1) provides that information is exempt from Section 1(1)(b) if it is required for the purposes of safeguarding national security.

The national security exemption is based on the effect the disclosure would have, not on the content or source of the information.

As you may be aware, disclosure under the Freedom of Information Act is a release to the public at large. While we are not questioning the motives of the applicant, releasing the MoU would be likely to lead to an increase in the number and severity of terrorist attacks around and at Southampton Airport. The release of this information would, therefore, be likely to increase the severity, impact, and risk to lives in the event of such attacks. Further, it would be to the detriment of providing an efficient emergency service and a failure in our duty of care to all members of the public.

Public Interest Test

For the Section 24 exemption to apply, the public interest test in maintaining this exemption must outweigh the public interest in disclosing the information.

Public Interest in Disclose

There are several reasons in favour of disclosure to the public at large as follows:

- It promotes transparency, showing we have an agreement in place.
- It lets the public know we have agreements with other Fire and Rescue Services in our area and work collaboratively with them.
- Ensures that people understand we have taken steps to support Southampton Airport if an incident was to occur.

Public Interest Against Disclosure

There are also reasons why providing the information is not in the public interest as it may:

- Be used to facilitate and increase the effects of terrorist activities in our area, leading to loss of life and expose members of the public to an increased risk of harm.
- Compromise the security of Southampton Airport.
- Facilitate criminals and terrorists in causing damage to Southampton Airport.

Health and Safety

Furthermore, we are refusing to provide this information on the grounds that it would be likely to endanger the health and safety of individuals, as per Sections 38(1) (a) and (b) of the Freedom of Information Act 2000.

While we are not questioning the motives of the applicant, a disclosure under the Freedom of Information Act is deemed to be to the world at large. This information can be used by criminals to target Southampton Airport. This would lead to an increased risk to the safety of operational staff, staff from other agencies, and other people who operate at, or members of the public attending the Airport. This would also have consequences for other members of the public as it would impinge on our ability to respond to incidents.

Public Interest Test

For the Section 38 exemption to apply, the public interest test in maintaining this exemption must outweigh the public interest in disclosing the information.

Public Interest in Disclose

There are several reasons in favour of disclosure to the public at large as follows:

- It promotes transparency, showing we have an agreement in place.
- Letting the public know we have an appropriate agreement at Southampton Airport if an incident was to occur.

Public Interest Against Disclosure

There are also reasons why providing the information is not in the public interest as it may:

- Endanger the health and safety of people potentially leading to loss of life.
- Lead to an increased risk of damage to Southampton Airport leading to a decrease in the safety of people at the airport.

Conclusion

Having considered the public interest factors for and against disclosure of the information for each exemption, as set out above, we have determined that the interest in not disclosing the information outweighs the interest in disclosure. We are very aware of this time of heightened security, and we must be more careful in what information we provide to ensure that we can protect the public. Therefore, we are refusing to provide the information requested.

Any future correspondence with Hampshire and Isle of Wight Fire and Rescue Service in relation to this matter should be sent to the Information Compliance Officer at the above address.

If for whatever reason you are unhappy with our response you may request an internal review by contacting DP@hantsfire.gov.uk or by writing to the Data Protection Officer at the above address.

Should you remain dissatisfied you can appeal against the internal review decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Information Compliance Officer
Hampshire and Isle of Wight Fire and Rescue Service