



Ref: FOI2021-011

[REDACTED]

26th October 2021

Dear [REDACTED]

We are writing further to our email of 31st August 2021 regarding your request for the following information:

I would like to make a request under the Freedom of Information Act the title, length and value of any outstanding contracts between AWE Plc and private (non-government owned) commercial companies.

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 information in scope of your request. However, the information falls within scope of the following qualified exemptions:

Sections	24 (Safeguarding National Security)
	26 (Defence)
	38 (Endanger Health and Safety)
	43 (Commercial Interests)

These are qualified exemptions and 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. We can confirm the PIT has been conducted and it has concluded that the information should be withheld in full.

For each of the exemptions applied, we will now set out arguments for and against disclosure in terms of the public interest with the reasons for our conclusion.

Section 38

Section 38 applies to information which if disclosed would or would be likely to endanger the physical or mental health, or the safety of any individual.

The nature of the work carried out by AWE can be contentious and often the topic of polarised debate. We often have active protests outside our headquarters and receive threats on a regular basis. Commercial partners who work alongside AWE are similarly at risk at being on the receiving end of physical and online abuse for working alongside us. We consider that releasing a list of our commercial partners to the world at large, would significantly endanger the physical and mental well-being of staff who are employed by our commercial partners, who might very well end up on the receiving end of protests and forms of online abuse. We appreciate that this exemption is subject to the public interest test and there is an understandable public interest in transparency and accountability of spending and decision making, and who we award commercial contracts to. We have set out, at the end of this letter, details of the total number and value of contracts



awarded. We do not see the additional public interest in specifically providing the name of the counter-parties to such contracts.

This must then be weighed up against the very real and plausible threat to the well-being of staff working for our commercial partners, who might feasibly end up on the wrong side of particular members of the public who do not support the work that AWE carry out and are willing to actively protest (and worse) about it.

Section 24

Section 24(1) (Safeguarding National Security) of the Act states that information is exempt if it is required for the purpose of safeguarding national security. We consider that the information requested meets this exemption, on the basis that releasing information relating to our commercial contracts, could disclose information about our commercial partnerships to the world at large, and could be pieced together by potential adversaries to cause harm to national security.

We appreciate this exemption is subject to the public interest test. In favour of release, there is wider public interest in public spending on nuclear weapons. Release of the information would therefore provide greater openness and transparency about our commercial contract partnerships.

However, there is also a strong public interest in safeguarding national security and in withholding any information that might prejudice this. Providing the requested information would impinge on the national security of the United Kingdom (UK). The release of contract details relating to the work that we do with our commercial partners, could supply adversaries with valuable and highly sensitive data on the identity and nature of our commercial partners, and the nature of the specialised contracts in which we engage. The very nature of our deterrent requires information on its scope, scale and potential vulnerability to be withheld so that it remains effective in its role as a strategic defensive weapon. AWE is also required to abide by the Government Classification guidance.

Taking these factors into consideration, the PIT finds that the benefit of furthering public understanding must be weighed against the threat to national security that such a release would pose. There is no wider public interest in making the nuclear deterrent more vulnerable and to that end, we consider that the public interest in withholding the information outweighs the interest in its disclosure.

Section 26

Section 26(1) states that information is exempt if its disclosure under the Act would, or would be likely to, prejudice (a) the defence of the British Islands or of any colony, or (b) the capability, effectiveness or security of any relevant forces. Similarly, to the exemption engaged at section 24 set out above, we consider that disclosing details relating to our commercial partners could risk the security of our operations and thus prejudice the defence of the British Islands.

Again, we appreciate that there is a public interest in the release of the information, as it would provide greater openness and transparency about our commercial spending and who we engage with. However, the release of our commercial partners, including what products/assistance they might provide could be misused by potential adversaries to the UK. However, we have provided transparency through the number and total value of contracts set out later in this letter.



Taking these factors into consideration, the balance of the public interest lies in favour of withholding information that has the capacity to prejudice the capability and effectiveness of the Armed Forces and the exemption at section 26(1)(b) of the Act should be maintained.

Section 43

Section 43(2) also is applicable to some of the information requested, because disclosure under the Act would or would be likely to prejudice the commercial interests of any person (including the public authority holding it). This is because of the very specialist nature of the work that some of our suppliers do for us and the limited number of parties there are in this space. There is a risk that giving an indication of who the suppliers are, the value of the contract and the length of the contract, that this could be used by competitors to our commercial partners to undercut them. We therefore consider there is a risk to their commercial interests.

We appreciate that this exemption is qualified on the basis of the public interest test. We have considered that there is public interest in revealing the scale of expenditure and those companies that engage in business with the public authority must expect a greater degree of openness.

However, there is a public interest in a healthy and competitive market place which would be threatened by loss of trust if suppliers fear the disclosure of the nature of the pricing and length of contracts by public authorities or by undermining the competitiveness of companies by publicising commercial information. The release of this information would be prejudicial to both AWE and their suppliers' commercial interests by exposing commercial data to competitors who could use this as a basis to undercut our commercial partners.

On balance, due to the specialist nature of some of AWE suppliers, the balance weighs in the favour of withholding the information insofar as it relates to certain commercial partners.

Under Section 16(1) of the Act, public authorities have a duty to provide advice and assistance to requesters, as far as it is reasonable to do so, and it may be helpful if we provide additional information about to further explain our commercial spend. Despite the fact that we do not consider we can fully address your request, we thought it might be helpful for your understanding to see the number of suppliers and total value of contracts currently on our business system. We consider this will help with public transparency around our expenditure.

Number of Suppliers: **803**

Value of commitments in AWE's business system: **£500,081,781.30**

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 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.



Aldermaston ▪ Reading
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www.awe.co.uk

Yours sincerely,

AWE Information Requests Team

