



Ref: FOI2021-018

25th November 2021

Dear

Further to our email of 4 October 2021, regarding your request for information:

Please can you provide the following information in relation to your organisations' operations, asset management and engineering software:

1. *Name of software supplier*
2. *Brand of software*
3. *Number of users/licenses/software tokens*
4. *Annual spend*
5. *Contract duration*
6. *The role holder responsible for the contract*

Additional Information

If the software is bespoke, as opposed to commercial off the shelf, please can you identify it as such.

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

A search for the requested information within the Atomic Weapons Establishment (AWE) has now been completed, and we can confirm that information in scope of your request is held.

However, after careful consideration we have decided that this information is exempt from disclosure under sections 40(2), 24(1), 26(1) and 43(2) of the Freedom of Information Act 2000.

Some of the information you have requested is exempt from disclosure under section 40(2) of the FOI Act, particularly in relation to your point 6. We consider that were we to release the information you have requested, the individual involved would be identifiable. The Atomic Weapons Establishment (AWE) are obliged to comply with the Data Protection Act 2018 and UK GDPR and as such are prohibited from disclosing personal data to third parties where doing so would breach the data protection principles set out in the UK GDPR. Section 40(2) is an absolute exemption and as such does not require a Public Interest Test to be carried out.

Sections 24(1), 26(1) and 43(2) are qualified exemptions 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 24(1) – Safeguarding National Security

Section 24(1) applies where withholding the information is “required for the purposes of safeguarding national security”. The Act makes a presumption towards disclosure wherever possible and includes a general obligation to promote openness and transparency, and we recognise that there is some public interest in transparency around public spending; in public authorities being held to account for their decisions.

However, there is a strong public interest in safeguarding national security and in withholding any information that might prejudice it. Providing the requested information would impinge on the national security of the United Kingdom (UK). If AWE were to disclose this, it would be highly likely to result in AWE and its assets becoming vulnerable to cyber-attacks instigated by unfriendly actors, both within and external to the UK. If AWE’s systems were to be accessed inappropriately it would provide a better understanding of the UK’s capabilities and potential vulnerabilities in relation to the nuclear deterrent. 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.

Taking these factors into consideration, the PIT finds that the benefit of promoting openness and transparency relating to public spending 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. Therefore, the public interest lies strongly in this information being withheld.

Section 26(1) – Defence

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.

The factors for release are similar to those provided for the use of section 24 in as much as release of the information would provide greater openness and transparency in relation to public spending and public authorities being held to account for their decisions.

The very nature of the nuclear deterrent however requires information on the IT support infrastructure that underpins the programme to be withheld so that it remains effective in its role as a strategic defensive weapon. By extension, any undermining of the capability, credibility and effectiveness of our defence nuclear programmes undermine the UK’s nuclear deterrent which is the apex of the UK’s national security strategy. Its credibility is vital to it remaining an effective capability. There is a high likelihood that release of this information would provide the ability to an adversary to access information that underpins the nuclear deterrent programme, consequently prejudicing the capability and effectiveness of the UK’s nuclear deterrent and prejudicing the defence of the UK.

Therefore, the PIT falls in favour of withholding the requested information.

Section 43(2) – Commercial Interests

Section 43(2) provides that information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). Under



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the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party. Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain or possibly released at a future date.

While there is public interest in promoting openness and transparency and the possibility of stimulating more competition and lower prices.

Existing software contracts that were negotiated before 1st July 2021 (the date AWE became an NDPB) consequently there is strong public interest in safeguarding their details as the suppliers involved had an expectation of confidentiality. Disclosure may result in suppliers withdrawing from their contracts with AWE, which, as well as prejudicing both AWE's and the third party's commercial interests, would have a direct impact on the deliverability timeline and overall costs of the Continuous at Sea Deterrent, (CASD). The fact that there are a limited number of software suppliers in this market also means disclosure of our supplier details would be likely to prejudice AWE's commercial interests.

Therefore after due consideration, the public interest in this case lies with withholding the information in full.

If you have any queries regarding the content of this letter, please contact this office in the first instance, please remember to quote the reference number above.

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.

Yours sincerely,

AWE Information Requests Team