

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 June 2024

Public Authority: Ministry of Defence
Address: Main Building
Whitehall
London

Decision (including any steps ordered)

1. The complainant submitted a request to the Ministry of Defence (MOD) seeking a list of 'mutually assured destruction' scenarios. The MOD responded by stating that it did not hold the requested information.
2. The Commissioner's decision is that on the balance of probabilities the MOD does not hold any information falling within the scope of this request.
3. The Commissioner does not require further steps.

Request and response

4. The complainant submitted the following request to the MOD on 14 January 2024:

"A list of 'mutually assured destruction' scenarios held by the Ministry of Defence (including summaries / descriptors for such scenarios). If the term 'mutually assured destruction' (for reference, a Britannica description of MAD is available here: [https://www.britannica.com/topic/mutual- ...](https://www.britannica.com/topic/mutual-...)) is not used, please can you provide a list of such comparable scenarios as they are categorised by the Ministry of Defence?"

5. The MOD responded on 1 February 2024 and explained that:

"A search for the information has been completed within the Ministry of Defence and we can confirm that no information in scope of your request is held.

Under section 16 of the Act, whereby public authorities should provide advice and assistance so far as it is reasonable to do so, you may find it helpful to know that the principle of 'mutually assured destruction', whether referred to by that terminology or any other, does not feature in the United Kingdom's (UK) nuclear deterrence policy. The UK's nuclear policy was outlined in the 2021 Integrated Review of Security, Development, Defence and Foreign Policy, which is available at: <https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy>"

6. The complainant contacted the MOD on the same day and asked it to conduct an internal review. In doing so he explained that:

"This is on the basis that the answer seems to focus on nuclear deterrence policy and, while this is indeed one of the primary means of illustrating scenarios for 'mutually assured destruction', the principle of mutually assured destruction applies more generally beyond nuclear deterrence policy."

7. The MOD informed him of the outcome of the internal review on 6 February 2024. The MOD explained that it was satisfied that no information falling within the scope of the request was held. This was on the basis that:

"...that the concept of MAD, as explained under section 16 [in the MOD's response of 1 February 2024], does not feature in the United Kingdom's (UK) nuclear deterrence policy, a statement supported by the 2021 review that I note contains no reference to it."

8. With regard to the complainant's submissions of 1 February 2024 in support of his internal review request, the MOD explained that:

"I have consulted the relevant subject matter experts and they advise me that they are unaware of the MAD concept being used "beyond" nuclear deterrence policy, as you phrase it. The Britannica description of MAD, included in your request, also confirms their view."

9. The internal review concluded by stating that "For the avoidance of doubt, I would again stress that MAD is not part of UK nuclear deterrence policy." (emphasis in original)

Scope of the case

10. The complainant contacted the Commissioner on 10 February 2024 in order to complain about the MOD's handling of his request. He disputed the MOD's position that it did hold any information falling within the scope of his request. In support of this position he stated that:

"I believe the principle of mutually assured destruction applies most clearly to nuclear warfare and nuclear deterrence policy as the MoD has said; however, I think the principle itself applies more broadly beyond nuclear deterrence policy. As such, I think there will be some information held on this topic in another area, even if not with that exact terminology."

11. The Commissioner considers that the scope of this notice is to consider whether the MOD holds any information falling within the scope of this request.

Reasons for decision

Section 1

12. In cases such as this where there is some dispute as to whether information falling within the scope of the request is held, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
13. In other words, in order to determine such complaints the Commissioner must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request.
14. In applying this test the Commissioner will consider the results of the searches undertaken by the public authority and/or other explanations offered as to why the information is not held.
15. In view of the request chronology set out above the Commissioner is satisfied that on the balance of probabilities the MOD does not hold any information falling within the scope of this request. In reaching this conclusion he notes that MAD, whether referenced by that term or any other, is not part of the UK's nuclear defence policy. Therefore, the Commissioner considers it reasonable to assume that the MOD would have no logical reason, or operational or business need, to maintain a list of MAD scenarios as sought by the request.

16. Furthermore, the Commissioner considers that based on the reference cited in the complainant's request, and indeed a brief internet search, the term MAD does not appear to be used 'beyond' nuclear deterrence policy as suggested by the complainant. The Commissioner observes that this position has been confirmed by subject matter experts at the MOD. The Commissioner can find no logical support for the complainant's argument that information held on this topic would be held by the MOD in another area beyond that dealing with nuclear deterrence policy. Moreover, the Commissioner notes that the MOD has searched for information falling within the scope of this request, and no information has been located.
17. In conclusion, the Commissioner is satisfied that the MOD does not, on the balance of probabilities, hold any information falling within the scope of this request because firstly, it has no business or operational need to hold such information given the UK's nuclear deterrence policy, and secondly the fact that a search for such information has resulted in no information being located.

Right of appeal

18. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Jonathan Slee
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