

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 November 2025

Public Authority: Ministry of Defence
Address: Whitehall
London
SW1A 2HB

Decision (including any steps ordered)

1. The complainant has requested a copy of the Harrier GR Mk 9 Aircrew Manual Book 1 – Aircraft and Systems (AP101B-0609-15A). The Ministry of Defence (“the MOD”) refused the request with reliance on section 14(1) (vexatious).
2. The Commissioner’s decision is that the MOD was entitled to rely on section 14(1) to refuse the request. The Commissioner also finds that the MOD breached section 17(5) by failing to provide a refusal notice relying on section 14 within 20 working days.
3. The Commissioner does not require further steps.

Background

4. On 22 October 2022 the complainant wrote to the MOD to request information in the following terms:

“1. Since retiring from the RAF almost three years ago, I have been carrying out research into the various aspects of my time in the Harrier Force. While I have been able to obtain a number of invaluable source documents concerning the Harrier, I have been unable to find a copy of the:

*Harrier GR Mk 9 Aircrew Manual Book 1 – Aircraft and Systems
(AP101B-0609-15A)*

2. The document was classified "UK Restricted", and since the Harrier was withdrawn from service almost twelve years ago, I suggest its release poses no risk to the MOD. I therefore request that you release the document to me under the Freedom of Information Act 2000."
5. The MOD responded on 9 November 2022, refusing the request as vexatious. The MOD stated that it was relying on section 14(1) to withhold the information as to comply with the request would impose a grossly oppressive burden on the public authority.
6. The MOD delivered its internal review outcome on 3 March 2023. It maintained its position that the request was vexatious.
7. The complainant contacted the Commissioner on 18 January 2024 to complain about the MOD's handling of their request.
8. In line with his established procedures¹, and in accordance with the powers afforded to him at section 50(2)(b) of FOIA², the Commissioner refused the complaint because there had been an undue delay of over six weeks in bringing the complaint to his attention.
9. The Commissioner advised the complainant to resubmit their request to the MOD.

Request and response

10. On 27 February 2024 the complainant wrote to the MOD to resubmit their information request of 22 October 2022.
11. The Commissioner has included the full wording of the complainant's request in the appended annex and summarised the request at paragraphs 12 to 15 below.
12. The complainant stated that the MOD's claim of a "grossly oppressive burden" to consult all original equipment manufacturers and operating nations is exaggerated.
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¹ [Microsoft Word - FOI casework guide hub](#)

² <https://www.legislation.gov.uk/ukpga/2000/36/section/50>

13. The complainant argued that there is precedent for the release of the requested information by virtue of the public release of the US NATOPS AV-8B Flight Manual, a Harrier equivalent, by United States authorities.
14. Furthermore, they argued that the Jaguar GR Mk1 and T Mk 2 manuals are publicly available despite the aircraft still being in service in India, implying a similar logic should apply to the Harrier.
15. With regard to burden, the complainant stated that only the United States authorities needed to be consulted on behalf of other nation states, and that BAE systems alone could represent all sub-system manufacturers. They also argued that the MOD's implied plans to declassify and transfer documents to The National Archives suggests resources are already available to undertake the work required by the request, which contradicts the MOD's claim that the request presents an excessive burden.
16. The MOD responded on 6 January 2025 refusing the request with reliance on section 14(1).
17. Following an internal review the MOD wrote to the complainant on 20 February 2025 maintaining its position.

Scope of the case

18. The complainant contacted the Commissioner on 18 March 2025 to complain about the way their request for information had been handled.
19. The Commissioner considers that the scope of his investigation is to determine whether the MOD is entitled to rely on section 14(1) to refuse the request.

Reasons for decision

Section 14(1) – vexatious requests

20. The following analysis considers whether the request was vexatious.
21. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.

22. The word “vexatious” is not defined in FOIA. However, as the Commissioner’s updated guidance on section 14(1)³ states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress. This should be judged as objectively as possible; in other words, would a reasonable person think that the purpose and value are enough to justify the impact on the public authority
23. The Commissioner accepts that there may be cases where a request could be considered to be vexatious because the amount of time required to review and prepare the information for disclosure would place a grossly oppressive burden on the public authority. This is the MOD’s rationale for relying on section 14(1) in this case.
24. The Commissioner’s guidance states that there is a high threshold for refusing a request on such grounds. This means that a public authority is most likely to have a viable case where:
 - The requester has asked for a substantial volume of information, and;
 - the public authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the Commissioner, and;
 - any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

The MOD’s position

25. The MOD maintains that the burden of complying with the request is grossly oppressive due to complexity, the number of stakeholders requiring consultations and ITAR⁴ constraints.
26. In respect of the complainant’s arguments regarding the precedent set by the release of NATOPS AV-8B Flight Manuals by the United States, the MOD explained that the Harrier GR9 was developed through an Anglo-US partnership and that its internal systems were anglicised with UK systems, significantly differentiating it internally from the US built AV-8B variant.

³ <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

⁴ International Traffic in Arms Regulations

27. The MOD stated that, while there may be precedent for disclosure of information of the type sought by the request, this does not negate the work required to prepare the requested information for disclosure under FOIA.
28. To prepare the manual for release would involve extensive consultation with industry. Furthermore, many of the system and sub-system manufacturers are US based, adding layers of commercial and military sensitivity to the consultation process.
29. In order to ensure that the release of information would not have a detrimental impact on international relationships or “inadvertently downgrade documentation which the remaining military operators of the American version of the Harrier II still maintain as sensitive”, the MOD argued that it would require full approval for the disclosure from the US Marine Corps, the Spanish Navy and the Italian Navy.
30. The MOD emphasised that obtaining ITAR clearance remained a significant barrier to de-risking the manual for disclosure. The MOD stressed that maintaining international trust and compliance with ITAR was paramount.
31. In respect of the comparisons drawn by the complainant between the Jaguar GR1 manual, which is available in the public domain, and the Harrier GR9 manual, the MOD argued that the Harrier GR9 manual is not comparable to the Jaguar GR1 manual due to the Harrier’s more modern and sensitive systems. It explained that the Jaguar GR1 is over 35 years old with systems dating back to the 1970s, and was retired in the early 1990s, therefore its systems are no longer sensitive. Because of its age, the Jaguar GR1 manual is not subject to the same ITAR constraints as the Harrier GR9.
32. In response to the complainant’s claim that the MOD already possesses the necessary resources to declassify the documents, thus contradicting any assertion of burden, the MOD explained to the Commissioner that the process of preparing the Harrier GR9 airframes and systems for full declassification was extensive. Achieving declassification of the Harrier GR9 hardware took 15 months and necessitated the participation of numerous working groups across the department, alongside industry stakeholders.
33. The MOD argued that the information captured by the request would be subject to the same processes to prepare it for disclosure. It sought input for the Defence Equipment & Sales Senior Specialist Fellow for Deactivation and Disposals in the Defence Recycling and Disposals Team who stated that:

"... the documents themselves are ITAR and processing requests for [the complainant] to access them can take 6-9 months through the US embassy, and even then, the US could come back and say No."

34. Finally, the MOD stated that there was exempt material scattered throughout the requested information and detailed review and redaction under sections 27 (international relations), 26 (defence), and 43 (commercial interests) would be required. The MOD argued that this would require a line-by-line assessment as the exempt information could not be easily isolated within the manual.

The Complainant's Position

35. A central element of the complainant's arguments is their claim that precedent exists for releasing the requested information because the AV-8B flight manual is available online. In their correspondence to the Commissioner they argue that:

"Since the AV-8B has therefore effectively been withdrawn from service, US Naval Air Systems Command have released the AV-8B Flight Manual, the equivalent of the GR9 Aircrew manual, to the public domain. This document contains all the information that the Air Command Secretariat and the MOD Information Rights Team have real concerns might contain exempt information."

And;

"If, when releasing the AV-8B Flight Manual the US authorities had followed Air Command Secretariat's logic they would have consulted with international parties and industry, including the UK. If so, this work would be an additional precedent to de-risk the release of the document. I can only guess that the US authorities did not do so, meaning that our insistence that we should puts us at odds with our closest NATO ally."

The Commissioner's Position

36. The Commissioner asked the complainant to supply him with evidence that the AV-8B manual had been proactively disclosed by the US government rather than leaked. The complainant did not have any evidence to substantiate their position.
37. Without evidence to demonstrate that the AV-8B flight manual had been proactively disclosed by US military officials, the Commissioner cannot agree that there is precedent for the MOD to release the requested information. Accordingly, the Commissioner does not consider the complainant's arguments applicable in this instance.

38. Similarly the Commissioner is not persuaded that the complainant's arguments regarding the availability of the Jaguar GR Mk1 and T Mk 2 Aircrew Manual Book 1 have any bearing on whether processing their request would be burdensome or not.
39. At paragraph 24 above, the Commissioner set out details of the three criteria which he considers are most likely to provide a public authority with a viable case for relying upon the exemption at section 14(1) to refuse a request on the basis of the burden caused by compliance.
40. The Commissioner is satisfied that the first criterion is met in this case. In his view, a 542-page document represents a significant amount of information.
41. With regard to the second criterion, the Commissioner accepts that, given the nature of the information requested, there are likely to be large parts of it that attract the exemptions referred to by the MOD and that such information will be dispersed throughout the requested manual. The Commissioner considers that, in particular, this is likely to be the case with information that may be subject to the exemptions at 26, 27 and 43. The Commissioner therefore considers that the second criterion is met.
42. With regard to the third criterion, the Commissioner has taken into account the MOD's comments about the requirement for a line-by-line analysis of the manual, and comparison with similar technical documents, to determine what information is already available in the public domain and which requires redaction.
43. The MOD explained that reviewing the manual would require a detailed and time-consuming process. For example, identifying and redacting references to US-made systems, which are likely to attract the exemptions cited at paragraph 41 above, cannot be achieved through simple keyword searches; instead, it would require careful analysis to locate and consistently redact all related references throughout the 542-page manual. The MOD estimated that reviewing a single complex page could take at least one hour due to the need to understand and cross-reference numerous technical acronyms, with up to 7,500 individual redactions potentially required across the document. This process would involve significant staff time, technical expertise, and coordination across at least 23 business areas, making the request grossly burdensome to process.
44. Even at a conservative estimate of 10 minutes to review each page, reviewing the requested material would take approximately 90 hours.

45. The Commissioner acknowledges that ITAR constraints represent the greatest challenge. Before the MOD could begin to review the documents it would be necessary to obtain written approval from the US for the release of ITAR-controlled material, a process that takes upwards of six months.
46. The Commissioner has not been presented with any compelling reasoning to justify fast-tracking the handling of the requested information ahead of any scheduled declassification. The MOD has already explained to the complainant that the requested information has not yet reached the age at which it will be reviewed in accordance with the Public Records Act 1958, and the Commissioner cannot see a valid reason to bring any review forward.
47. For the reasons given above the Commissioner finds that the exemption at section 14(1) is engaged.

Section 16 – advice and assistance

48. In circumstances where a public authority is relying on section 14(1) on the basis grounds of burden or cost alone, the Commissioner considers that as matter of good practice a public authority should consider what reasonable advice and assistance it can provide to the requester to help them make a refined, less burdensome request..
49. On 3 March 2023, the MOD stated it cannot advise on what information might be released in response to a refined request, but the complainant may submit specific requests for particular manual sections. The MOD noted that section 14 and other exemptions may still apply to any revised request.
50. In its response dated 20 February 2025, the MOD informed the complainant that a limited portion of the requested aircrew manual had previously been disclosed in 2023 in response to an information request submitted through WhatDoTheyKnow⁵ (WDTK). As the request thread has been archived on the WDTK website, and is therefore no longer available, the MOD supplied the complainant with copies of the information. The MOD informed them that they could submit additional requests for further information of interest arising from this disclosure.
51. The Commissioner is satisfied that the MOD has met its obligations at section 16 to provide advice and assistance.

⁵ [WhatDoTheyKnow - Make and browse Freedom of Information \(FOI\) requests](#)

Procedural matters

52. A public authority will breach section 17(5) of FOIA if it fails to provide a section 14 refusal notice within 20 working days. Based on evidence available to the Commissioner, the MOD did not provide a section 14 refusal notice within the statutory time frame. Therefore the Commissioner finds a breach of section 17(5).

Right of appeal

53. 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)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

54. 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.
55. 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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Information Commissioner's Office
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Annex

56. "FREEDOM OF INFORMATION REQUEST REFERENCES FOI2022/11785 AND FOI2022/1785: HARRIER GR MK 9 AIRCREW MANUAL BOOK 1 - AIRCRAFT AND SYSTEMS (AP101B-0609-15A)

References:

- A. [redacted] Freedom of Information Request dated 14 October 2022.
- B. Air Command Secretariat Response dated 9 November 2022
Reference FOI2022/11785.
- C. [redacted] Request for Internal Review dated 28 November 2022.
- D. Head of Information Rights Team Response dated 3 March 2023
Reference FOI2022/1785.
- E. [redacted] Letter of Complaint to the Information Commissioner's Office dated 18 January 2024.
- F. Information Commissioner's Office reply dated 6 February 2024
Reference IC-283024-X1P5.

You might recall that you, at Reference B, and the Head of the MOD Information Rights Team, at Reference D, refused my request for the release of the Harrier GR Mk 9 Aircrew Manual Book 1 - Aircraft and Systems (AP101B-0609-15A) under the Freedom of Information Act (FOIA) 2000. The Information Commissioner's Office, at Reference F, rejected my subsequent letter of complaint on the grounds that there had been an undue delay in bringing my complaint to them. They did, however, suggest that I make a further request to the MOD for the release of the information.

I contend that, without access to specialist Harrier advice, both you and the Head of the MOD Information Rights Team were mistaken in your deliberations and therefore reached the wrong conclusion in withholding the document. I have therefore taken the Information Commissioner's advice and now make a further request for the release of the information, in the hope that having reviewed this submission you will consider overturning your original decision.

You refused my request under FOIA 2000 Section 14(1) (Vexatious or repeated requests) on the grounds that information may be withheld if it would impose a grossly oppressive burden on the Department, which are not covered by the Section 12 cost limits. You felt that in your expert opinion following a short review, that the time to review and prepare the document for disclosure would place a very high burden on the Department, including the practical burdens of collating, scanning and checking some 550 pages of text. Section 14(1) exempts you from complying with a request for information if that request is either vexatious or is repeated before a reasonable interval has elapsed. Your

refusal, however, relied on the Information Commissioner's additional guidance, which states that Section 14(1) can also be used to deny a request as vexatious if processing it would impose a "grossly oppressive burden on the department". It also states that, "Public authorities can only consider making a Section 14(1) refusal under burden in cases where the requester has asked for a substantial volume of information; and the Public Authority have real concerns about providing potentially exempt information; and any potentially exempt information cannot be easily isolated because it is scattered through the requested material. There should be a high threshold for refusing a request on such grounds".

You believed that, since the Harrier remains in service with a number of NATO partners, you had real concerns that the entire document contains codes, acronyms and system names that might contain exempt information because the aircraft contained sensitive military systems and used weapons still in use on other fleets and with NATO partners. Such material could not be isolated without considerable effort and expenditure of time and resources, including consulting international partners and industry. You also noted the absence of Harrier subject matter experts, whom you assumed have been dispersed across the RAF following the Harrier's withdrawal from service. You concluded that you could see no way in which I could revise or refine my request in order to remove that oppressive burden.

The Head of the MOD Information Rights Team, having relied heavily on your response, supported your refusal. In accordance with the Information Commissioner's guidance, he agreed that my request was for a substantial volume of information, contained potentially exempt information, which, because it was distributed throughout the document, could not be easily isolated. My request would therefore require the MOD to examine the entire document with stakeholders for exempt information, including that covered by FOIA 2000 Section 26 (Defence), Section 27 (International relations), Section 43 (Commercial interests) and International Trade in Arms Regulations (ITAR). He also recommended a full and properly conducted review of the information in the scope of my request be conducted to determine what can and cannot be released under the FOIA 2000.

I offer the following points to justify my request that you consider overturning your decision. First, a discussion with Manning staffs would confirm that four RAF Harrier experts: Air Marshal [redacted] (Air & Space Commander), Air Vice-Marshal [redacted] (Commander UK Space Command), Air Vice-Marshal [redacted] (Chief of Staff Capability) and Air Vice-Marshal [redacted] (AOC 22 Gp) currently serve at HQ Air Command. I have known each of them for many years and suggest that they would be content for you to contact them for their views.

Second, although you rely on the "grossly oppressive burden" test under Section 14(1) to refuse my request, in your narrative you stated variously that my request would be only a "very high burden", "very burdensome", an "oppressive burden" and a "practical burden", while the Head of the MOD Information Rights Team referred to it as a "significant burden" and "burdensome". I suggest that none meets the high threshold required by the Information Commissioner's grossly oppressive burden test.

Third, we should distinguish between the various marks of Harrier and their development over time, an exposition of which is in the public domain. The original UK-built Hawker Siddeley Harrier entered service with the RAF in 1969, designated Harrier GR1, and with the USMC in 1971, designated AV-8A. During the early-1970s a more powerful Pegasus engine was introduced to both types; the Harrier GR1 was redesignated Harrier GR3, the AV-8A's name was unchanged. The two-seat trainer versions were designated Harrier T4 and TAV-8A respectively. During the 1980s McDonnell Douglas designed a substantial Harrier upgrade; it was larger than the Harrier GR3/AV-8A, with greater range and increased weapons' carriage, made of carbon fibre composite and fitted with a digital cockpit, up-front controller and "hands on throttle and stick" functionality. The USMC designated the so-called Harrier II the AV-8B, the RAF designated it Harrier GR5. The Harrier GR5 was an interim modification standard with limited clearances for only the Sidewinder AIM-9L and practice weapons. The two-seat versions were designated TAV-8B and T10 respectively. There were then a series of upgrades to the AV-8B and Harrier GR5's sensors, avionics, engine and weapons. They were fitted with FLIR and NVG to give a low-level night attack capability, a missile approach warning system, an electronic counter measures suite, and were cleared for the TIALD laser designation pod, ASRAAM, Paveway II/III LGBs, AGM-65 Maverick, CRV7 and 1000lb bombs. The AV-8B was redesignated AV-8B(Night Attack), the Harrier GR5 was redesignated Harrier GR7. Another more powerful Pegasus engine was also introduced to both types; the AV-8B's designation was unchanged, the Harrier GR7 was redesignated Harrier GR7A. Unlike the Harrier GR5 and GR7, which were not fitted with a gun, the AV-8B was fitted with a single GAU-12/U 25mm Gatling rotary cannon. A further upgrade fitted a GPS navigation system and cleared for use Storm Shadow, Brimstone, Paveway IV LGB, Digital Joint Reconnaissance Pod and the multi-function Sniper targeting pod. The AV-8B's designation was unchanged, the Harrier GR7/7A was redesignated Harrier GR9/9A. The upgraded Harrier T10 was redesignated Harrier T12. The final upgrade to the AV-8B was the introduction of the APG-65 multi-mode pulse-Doppler air-to-air and air-to-surface radar, and clearances for the beyond-visual-range AIM-120 AMRAAM and AIM-7 Sparrow air-to-air missiles, and AGM-84 Harpoon

and Sea Eagle anti-ship missiles. Following this upgrade the AV-8B was redesignated AV-8B Plus or AV-8B+. This modification came too late for the Harrier GR9/9A, which was not fitted with the APG-65 radar or given the associated weapons clearances. The Spanish Navy and Italian Navy both acquired the AV-8B and, in tandem with the USMC, upgraded them all to AV-8B+ standard.

The AV-8B+ remains in service with the USMC, Spanish Navy and Italian Navy, but it has completely replaced the AV-8B, which has therefore effectively been withdrawn from service. It therefore follows that the AV-8B, the equivalent of the Harrier GR9/9A, is in fact no longer in service with NATO allies. To emphasize this point, when the AV-8B was withdrawn from service, US Naval Air Systems Command released to the public domain the Naval Air Training and Operating Procedures Standardization (NATOPS) AV-8B Flight Manual (A1-AV8BB-NFM-000). This 700-page document contains extensive details of the aircraft and engine, communications and weapons systems, flight characteristics, normal and emergency operations, flight crew coordination and NATOPS evaluation. It contains the same codes, acronyms and system names, and is the equivalent of, but is larger and more comprehensive than, the Harrier GR9/9A Aircrew Manual Book 1 - Aircraft and Systems. Therefore to the extent that effort, time, resource and consultation with international partners and industry are required to identify classified and exempt material, US Naval Air Systems Command, a naval arm of our most important NATO ally, can be assumed to have already carried it out. It follows that this argument also applies to FOIA 2000 Section 26 (Defence), which exempts the release of information likely to prejudice UK national defence; Section 27 (International relations), which exempts the release of information likely to prejudice the UK's relations with other states, and the UK's interests abroad; and Section 43 (Commercial interests), which exempts the release of information if it constitutes a trade secret. It also applies to ITAR, a US regulatory regime designed to restrict and control the export of defence and military technologies to safeguard US national security and foreign policy objectives.

US Naval Air Systems Command also released to the public domain five more AV-8B documents amounting to a further 2500 pages of extensive details of weapons, weaponeering techniques, aircraft performance and pilot checklists. These comprise the three-volume AV-8B Tactical Manual NWP 3-22.5-AV-8B (Volume 1: A1-AV8BB-TAC-000, Volume II: A1-AV8BB-TAC-050 and Volume III: A1-AV8BB-TAC-300), which together are the equivalent of, but are larger and more comprehensive than, the Harrier GR9/9A Aircrew Manual Book 2 - Operations; the AV-8B/TAV-8B Performance Charts (A1-AV8BB-NFM-400), the equivalent of the Harrier GR9/9A Operating Data Manual; and the AV-8B/TAV-8B Pocket Checklist

(NAVAIR A1-AV8BB-NFM-500), the equivalent of the GR9/9A Flight Reference Cards.”