

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 March 2022

Public Authority: Civil Nuclear Constabulary
Address: Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB

Decision (including any steps ordered)

1. The complainant requested from Civil Nuclear Constabulary ("CNC") information relating to UFO/UAP incidents over the past 70 years.
2. CNC confirmed that it does not hold any information that falls within the scope of the request.
3. The Commissioner is satisfied that, on the balance of probabilities, CNC does not hold any information that falls within the scope of the request and has therefore complied with Section 1 of FOIA.
4. The Commissioner does not require any further steps.

Request and response

5. On 23 March 2021 the complainant made the following request for information under FOIA:

“I would like to know how many UFO/UAP incidents have been logged in UK territory over the past 70 years; in relation to their proximity to nuclear installations civil/military. Additionally, I would like to know what actions were taken on each occasion? What policies have been discussed or enacted in order to manage similar incidents? And, where were any reports/documentation submitted?”
6. On 25 March 2021, CNC provided a response, stating that it held the information but that the answer to the request is zero.
7. On the same day, the complainant asked for clarification of this initial response, and he was informed on 26 March 2021 that his request was deemed “manifestly unreasonable under Section 12 of FOIA”. Upon receiving this response, the complainant asked CNC to conduct an internal review.
8. On 7 April 2021, CNC provided its internal review response and maintained its reliance on Section 12 of FOIA.

Scope of the case

9. The complainant contacted the Commissioner on 17 May 2021 to complain about the way their request for information had been handled.
10. In line with his usual practice, the Commissioner wrote to CNC on 11 November 2021 for an explanation of its application of section 12 of FOIA, including details of any sampling exercise carried out to reach a reasonable estimate of the costs it would incur to meet the request in full.
11. On 12 January 2022 CNC issued a fresh response to the complainant stating that it did hold the information but that after conducting further searches there were no results.
12. The Commissioner sought clarification on whether CNC did actually hold any information within the scope of the request at the time of receiving it.
13. On 27 January 2022 CNC issued a new response stating it did not hold any information within the scope of the complainant’s request and therefore section 12(1) no longer applied.

14. The complainant did not consider this response to be satisfactory and requested that the Commissioner continue his investigation.
15. The Commissioner wrote to CNC on 8 February 2022, requesting CNC's detailed submissions as to why it did not hold the requested information. CNC provided those submissions on 22 February 2022.
16. The Commissioner, therefore, considers the scope of his investigation is to establish whether, at the date of the request, CNC held any recorded information falling within the scope of the complainant's request.

Reasons for decision

Section 1 (Held/Not Held)

17. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled-

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

18. In this case, the complainant disputes CNC's position that it does not hold the information sought in their information request of 23 March 2021.
19. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to check that the information is not held and any other reasons offered by the public authority to explain why the information is not held. Finally, he will consider any reason why it is inherently likely or unlikely that information is not held.
20. The Commissioner will consider the complainant's arguments. He will also consider the actions taken by CNC to check whether the information is held and any other reasons offered by CNC to explain why the information was not held. In addition, he will consider any reason why it is inherently likely or unlikely that the requested information is not held.

21. For clarity, the Commissioner is not expected to prove categorically whether the information is held, he is only required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.
22. During the course of his investigation, the Commissioner wrote to CNC regarding its endeavours in searching for the requested information and whether any information falling within the scope of the request was deleted or destroyed.
23. CNC stated that searches were made across three 'systems' which were in place during the following periods and that no results were found:-
 - a.) "2017 onwards - Any incidents reported to the force are recorded on the CNC's Command and Control Police Incident Management System (C3IMS) rolled out in 2017 and located in and owned by our control rooms.
 - b.) 2008-2017 - archive of previous electronic system (Incident Logging System ILS) held as extracts from the original, now unsupported, and corrupted, system.
 - c.) 2005-2008 - paper records held in archive and indexed"
24. It further explained how they conducted searches across these three 'systems'.

"Authorised operators have carried out a search for all entries from 2017 to date and found no results. Entries made between 2008 and 2017 when we moved to the current system are archived and searchable by incident date and by keyword. In order to respond to this request, we worked with the authorised operators to establish a method of searching records held on the archive and again this produced no results. For entries between 2005 – 2008 the records were held in hard copy. CNC searched the index of the paper archives with the following terms 'control', 'UFO', 'log', 'controlroom', 'control room' and 'CCC' and again found no results."
25. CNC explained that at the time of its initial response, it was not fully understood, if it could search its archived systems for the time period spanning 2008-2017.
26. CNC also informed the Commissioner that as it was formed in 2005, any records relating to 2005 and before, were the property of either the United Kingdom Atomic Energy Authority (UKAEA) or British Nuclear Fuels (BNFL) which are now overseen by the Nuclear Decommissioning Authority (NDA).

27. CNC confirmed that, as the requested information was never held by it, it had not been deleted or destroyed by it.

The Commissioner's Conclusion

28. The Commissioner's role is to make a decision based on whether on the balance of probabilities relevant recorded information was held by CNC.
29. The Commissioner appreciates the confusion caused by the various responses received and he understands this could be viewed as a way of preventing access to the information. However, during the course of the Commissioner's investigation, a public authority is allowed to change its position after conducting a further, detailed review of the request.
30. In the absence of evidence to the contrary, the Commissioner is satisfied that CNC has provided plausible and convincing explanations that it has carried out the necessary steps to conclude whether it held the information requested by the complainant. Therefore, the Commissioner concludes that, on the balance of probabilities, the requested information is not held by CNC.

Right of appeal

31. 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

32. 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.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Phillip Angell
Group Manager
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Wilmslow
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