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MOD Form 329D
(Revised 5/97)
PIQ = 100

MINISTRY OF DEFENCE

2028 SIK

Date opened

Registered file number D/SEC(AS)164/3/1

Part No. B

RECEIVED - 8 NOV 2008

1. Attention is drawn to the notes on the inside flap.
2. Enter notes of related files on page 2 of this jacket

DIVISION/ESTABLISHMENT/UNIT/BRANCH

SEC (AS) 2A
ROOM 8245
MAIN BUILDING

SUBJECT 'UFO' CORRESPONDENCE -
PERSISTENT CORRESPONDENTE -

Section 40

Referred to	Date	Min/ Encl	Referred to	Date	Min/ Encl	Referred to	Date	Min/ Encl	Referred to	Date	Min/ Encl

CLOSED
No Further Action
to be taken
in this
FILE
PART
Continued on :
DISCONTINUED
Last enclosure E 26

Section 40

FOR DRO USE ONLY

1st Review date

2nd Review date

PA ACTION

(MOD Form 262F must be completed)

File Ref: SEC(AS

Part: B

RCU000131062

Produced by Ministry of Defence, CS (Pr) 2. Tel. 0117 9376256

N0077205D9004371, 7/98, C7000, 56-2375, 15121, 07398-2

Registered File Disposal Form

MOD Form 262F
(Revised 10/97)

FILE TITLE: (Main Heading - Secondary Heading - Tertiary Heading etc)
"UFO" CORRESPONDENCE -
PERSISTENT CORRESPONDENCE -
Section 40

Reference:
(Prefix and Number): D/SEC(AS)1164/3/1
Part: B

PROTECTIVE MARKING (including caveats & descriptors): UNCLASSIFIED REST FUNC

Date of last enclosure: 3 SEP 2001

Date closed: 3 SEP 2001

PART 1. DISPOSAL SCHEDULE RECOMMENDATION
(To be completed when the file is closed)

	✔
Destroy after _____ years	
Forward to CS(RM) after _____ years	
No recommendation	

FOR PERMANENT RETENTION AT THE PUBLIC RECORDS OFFICE

FOR CS(RM) USE ONLY

Date of 1st review	Date of 2nd review	Forward Destruction Date

Reviewer's Signature: _____ Reviewer's Signature: _____

PART 2. BRANCH REVIEW
(To be completed not later than 4 years after the date of the last enclosure)
(Delete as appropriate)

a. Of no further administrative value and not worthy of permanent preservation. DESTROY IMMEDIATELY (Remember that TOP SECRET and Codeword material cannot be destroyed locally and must be forwarded to CS(RM)). ☐ ✔

b. (i) To be retained for _____ years (from date of last enclosure) for the following reason(s): for permanent retention at the PRO

	✔		✔	
LEGAL	☐	DEFENCE POLICY + OPERATIONS	☐	
CONTRACTUAL	☐	ORIGINAL COMMITTEE PAPERS	☐	
FINANCE/AUDIT	☐	MAJOR EQUIPMENT PROJECT	☐	[_____]
DIRECTORATE POLICY	☑	OTHER (Specify)	☐	

PPQ = 100

(Continued overleaf)

(ii) Key enclosures which support the recommendation are:

(iii) At the end of the specified retention period the file is to be:

Destroyed ☐ ✔

Considered by CS(RM) for permanent preservation ☐

c. Of no further administrative value but worthy of consideration by CS(RM) for permanent preservation. ☐ ✔

PART 3

Signature: [redacted]

Name: [redacted]
(Block Capitals)

Grade/Rank: C1 Date: 4/4/03.
(Not below HEO/equivalent)

Branch Title and Full Address:

MINISTRY OF DEFENCE
DAS 4 (SEC)
ROOM 8241
MAIN BUILDING
WHITEHALL
LONDON SW1A 2HB

Tel No:

PART 4 DESTRUCTION CERTIFICATE

It is certified that the specified file has been destroyed.

Signature: _____

Name: _____
(Block Capitals)

Grade/Rank: _____ Date: _____

Witnessed by (TOP SECRET* and SECRET only)

Signature: _____

Name: _____
(Block Capitals)

Grade/Rank: _____ Date: _____

*(FOR CS(RM) USE ONLY)

Produced by Ministry of Defence, CS (Pr) 2. Tel. 0117 9376256

File Note – D/Sec(AS)64/3

OMBUDSMAN CASE – Section 40 [redacted]

1. Files checked

D/Sec(AS)/64/3 Part N for 28 Jul 98-27 Aug 98 (part only) (14 encl)
Part O for 28 Aug 98-21 Dec 98 (80 encl)
Part P for 21 Dec 98-14 Apr 99 (75 encl)
Part Q for 14 Apr 98-28 Jul 99 (part only) (72 encl)

D/Sec(AS)/64/2 Part H for 28 Jul 98- Feb 99 (part only) (153 encl)
Part I for 10 Feb 99- 28 July 99 (part only) (114 encl)

PQs and PEs received during the period concerned also searched.

2. Total time taken to search, copy, sanitise, copy and produce a summary = 8 hours 40 minutes.

3. Costs incurred:

first four hours - nil
next 8 hours 40 minutes @ £15 per hour = £120+10 = £130

4. Estimate given to Ombudsman that it would take no more than 10 hours and costs would be no more than £75 (ie half rate) as a gesture of goodwill.

5. Section 40 charged £65 and paid in full.

Section 40 [redacted]

AD/Sec(AS)2

UFO search [redacted]

hr	min			
1	10	13 Jan	11.55 – 13.05	64/2 Pt H
	10	17 Jan	18.35 – 18 45	64/2 Pt I
	25	19 Jan	17.35 – 18.00	E 114 – 61 back + 61 – 1 →
	15	20 Jan	09.17 – 09.32	64/3 Pt N
	45	21 Jan	17.10 – 17 55	64/3 Pt O
	33	26 Jan	11.50 – 12.07 12.20 – 12.36	64/3 Pt P.
	32	27 Jan	10.13 – 10.25 (12) 10 40 – 11.00 (20)	64/3 Pt Q.
	15	13 March.	11.30 – 11.45	reply to [redacted] acknow. cheque + returning it.
	20	13 March	16.10 – 18.30	checking papers for copying
	30	14 March	09.30 – 09.50	[redacted] to copy
	25	15 March.	13.20 – 13.45	
	30	15 March	copying+sanitising +	[redacted] copying
1	10	15 March	14.25 – 15.35	
	15	20 March	17.00 – 17.15	with Ao ADI checking reports
1	35	21 March	13.05 – 14.40.	

8 40

List of Enclosures

Parliamentary Ombudsman Complaint - E1-2
First draft to OMD - E3
Revised drafts with comments - E5-E5/1
Re-submitted draft - E6
Copy of PUS response to Section 40 -E7
Thanks from PUS - E8
Request for PUS comments from Ombudsman - E9
OMD comments - E10
Our comments to OMD - E11
OMD amendments to our comments - E12
OMD's submission to PUS - E13
PUS to Ombudsman - E14
Ombudsman to MP - E15
Letter from Section 40 enclosing cheque and our response - E16
Letter from [redacted] seeking clarification and our response - E17-19
Letter to Press office regarding case - E20
Letter to Section 40 enclosing two reports - E21
E-mail from OMD 14 - E22
Letter from Section 40 requesting further information and our response - E23
File note: telephone conversation with Section 40 - E24
Letter from CAA to Section 40 - E25
Loose Minute to AS/DD1 & SEC(AS) 1 concerning letter from CAA - E26-27
Response from AS/DD1 - E28
Our Response to Section 40 - E29
Copy of Parliamentary Ombudsman report - E30
E-mail correspondence with OMD - E31/32
Observer article - E33
Loose Minutes to Press office - E34/35

submission sack

UAP).

4. Respectfully and strenuously advocate legislation that would allow for the establishment of Independent Commissions with extensive powers of search and interview. These commissions would be made up of professional people from all walks of life (Barristers, Police Officers, Scientists, Doctors) who though initially signatory to The Official Secrets Act could forcefully recommend that issues be bought out into the Public Domain if it was clear that their extended closure was not in the Public Interest.

The author of this article can be contacted at Section 40 [redacted]
Section 40 [redacted]

been incapable of giving a stationary one.

Applying Occam's Razor, the simplest explanation is that this was clearly a case of an unidentified craft with design and performance characteristics well in excess of the then state of the art technology. Indeed, it would be difficult even now, for an aircraft to emulate the radar returns taken at West Freugh on that day in 1957. Let us be honest about this, any powered craft that hovers from 50,000 to 70,000 feet, changes direction and speed has to be under intelligent control. Otherwise, the object would fall down to Earth with a resounding thud. I understand the laws of gravity are very stringent on this point.

I must stipulate that this article is not one of speculation but of fact based on historically authenticated documentation. The source material is held in Files AIR 20/9320, AIR 20/9321 and AIR 20/9444 obtained from Public Record Office, Kew (Telephone 01818763444). Putting it into its proper perspective, the incident at West Freugh is just as much part of our national heritage as The Spannish Armada, The Magna Carta or The Suffragette Movement and it is for this reason that we must start taking the whole UFO issue extremely seriously.

Is West Freugh the only evidence I have to offer, certainly not. Consider for example The RAF Topcliffe Incident.-

Flt Lt J Kilburn and five of his associates observed a Gloster Meteor descending at 500 feet at RAF Topcliffe in Thirsk, Yorkshire during Operation Mainbrace. The time was 7.10pm and the date was 19 September 1952. a UFO was seen approximately 5 miles astern at approx. 15000 feet and described as circular and silver in colour, it was moving at a slow speed on a similar course to the Meteor and then began a descent swinging in a pendular motion not too dissimilar to that of a falling sycamore leaf. The descending Meteor had turned towards Dishforth and the UFO, whilst still descending, appeared to follow suit. The pendulous motion then ceased and the object initiated a rotary motion about an axis perpendicular to its horizontal plane before dissappearing in a westerly direction and turning on a south easterly bearing. The observers stated that its movements were not identifiable with anything that they had seen in the air and acceleration was in excess of that of a shooting star. The duration of the incident was 15 to 20 seconds. (Source. File AIR 16/1199, Flt Lt J Kilburn's Memo to Coastal Command Det., RAF. Available from Public Record Office, Kew)

In conclusion, I hope that I have persuaded participants within this exercise in democracy to

1. Respectfully ask that whenever our armed forces encounter an unidentified craft that displays design and performance characteristics clearly in excess of cutting edge technology, that the information be fed to the public by means of a televised press conference. The Press Conference should give full details of radar returns, size, shape, speed, flight characteristics etc of the unidentified craft.

2. Respectfully and forcefully express the desire that the Armed Forces when encountering such craft as outlined in 1. above should also share the full and uncensored details with relevant scientific bodies in the UK such as The Royal Astronomical Society and The Royal Society of Chemistry.

3. Respectfully and forcefully request that certain science orientated matters that are clearly in the public interest, especially those related to Public Health and awareness (though perhaps embarrassing to certain politicians) should not be the subject of any form of extended closure and that all such documentation currently held under extended closure should be released forthwith. These to include diseases (eg BSE), chemical and radioactivity-related illnesses (eg Gulf War Syndrome) , human guinea pig type experiments (eg releasing agents on Waterloo Bridge) and miscellaneous (to include all military/intelligence reports on

No such docs exist in the case of UFO's

were the draft notes prepared for Mr George Ward, The Secretary of State for Air. A Parliamentary Question was tabled by Mr Stan Awberry, a Labour MP for one of the Bristol constituencies on Wednesday, 17 April, 1957 (Hansard, col 206). The question read.-

To ask the Secretary of State for Air, what recent investigations have been made into unidentified flying objects; what photographs have been taken; and what reports have been made on the subject.

Extracts from the Ministerial notes prepared for George Ward read.-

3. The Ministry of Supply Bombing Trials Unit at West Freugh, Wigtownshire reported a radar sighting made on 4th April of an object which was tracked 36 minutes, continually increasing in speed whilst losing height. Enquiries so far made reveal that that no service or commercial aircraft was in the vicinity at the time. It is possible that the object was a private aircraft, and enquiries on this point are still being made. The object could not have been a balloon since it was moving against the wind.
4. A reference to this report was contained in the "Evening News" and "Evening Standard" on 6th April (cutting attached). If S. of S. is asked questions on this point, it is suggested that the reply should be on the following lines:-
"That report is still being investigated, and the cause has not yet been established. It may well have been a private aircraft."

You will notice from these draft notes that the Minister was not informed of.-

The size of the object
The appreciable height
The fact that it was hovering

Also, no mention was made of objects ; was there a cover-up ? Certainly if you consider the withholding of information from a Government Minister and the blatant misrepresentation of facts to the press as a cover-up then clearly, this is indeed the case.

I have given several talks on the West Freugh case, and time after time, people have said to me that surely there must be a more mundane down to earth explanation for this incident. As a scientist, I would tend to agree with Occam's Razor that all things being equal, the simple explanations are most likely to be the best answers. It is easy to explain UFOs with everyday objects such as clouds, conventional aircraft, weather balloons and such like, so, let us consider the alternatives.-

Helicopters.- I agree that helicopters can hover and reach speeds in excess of 290 mph; however, in 1957, helicopters were an emerging technology and I am certainly not aware of any, even today, that could reach a height of 70,000 feet.

Clouds/weather balloons.- No, these do not move against prevailing winds.

Powered Airship.- I think 290mph is a little excessive as is 70,000 ft.

Meteorites/bollards.- These do not fly in formation or change direction and are very susceptible to the laws of gravity

Flock of birds.- I do not know of any birds that can fly at 70,000 ft

Harrier Jump Jet.- There may well have been harriers prototypes about in 1957; however, I don't think the service ceiling of the harrier exceeds 40,000 ft and it certainly would not give a radar return the size of a ship (note.- in an interview with Sir Ralph Noyes, Jenny Randles was told that the West Freugh returns were more akin to battleships !).

U2 Spyplane.- Although this gave a large radar return, it would have

sent up from Aldergrove airfield in Northern Ireland. This rather mundane explanation seems to have been accepted, the reporter had his story and the case was to all intents and purposes closed. The Evening Standard was not the only newspaper to have reported a UFO that Saturday for The Daily Sketch quite sensationally had obtained a photograph of a UFO from a 25-year-old cabinet maker called Reginald Queree. He had taken the picture at his home at First Tower, Jersey and the tabloid's "photographic experts" were absolutely convinced as to its authenticity. You can imagine the embarrassment felt by the tabloid editor when told that the Jersey photograph was not authentic and on Monday, 8th April 1957, The Daily Sketch published a small paragraph stating that the "flying saucer" was in fact a fake and had been constructed of cardboard and silver paper suspended from a clothes line. Mr Queree confirmed that he took the photograph some months prior to going public and was waiting until someone else reported "something strange in the sky", he also wanted to demonstrate how easy it was to "fake" a photograph of a flying saucer. It would seem that the Daily Sketch missed out on another major exclusive, namely, the apparent clairvoyant skills of the First Tower Snapper. He would have had to have given the newspaper the photograph and story by about a 10.00 pm deadline on Friday the 5fd April - The Evening Standard did not publish until Saturday 6th April ! It is apparent from historically authenticated Public Record documents that The Deputy Directorate of Intelligence (Technical) took a rather unusual interest in this particular faked story although I would not like to speculate upon the reasons for this. Suffice to say, it will be interesting to see the full intelligence dossier on the Daily Sketch article and the background of "Mr Queree" if, and when Britain's Intelligence Files are released from this particular era (If I am still around, I will be visiting the Public Record Office for these answers in 2057 !).

Returning now to the West Freugh incident, it would be interesting to see what the Deputy Directorate of Intelligence thought of this. In a report dated the 30th April 1957 (Ref. DDI (Tech)/C.290/3/, the following observations were made.-

It is deduced from these reports that altogether five objects were detected by the three radars. At least one of these rose to an altitude of 70,000 feet while remaining appreciably stationary in azimuth and range. All of these objects appeared to be capable of speeds of about 240 mph. Nothing can be said of physical construction except that they were very effective reflectors of radar signals, and that they must have been either of considerable size or else constructed to be especially good reflectors.

There were not known to be any aircraft in the vicinity nor were there any meteorological balloons. Even if balloons had been in the area these would not account for the sudden change of direction and the movement at high speed against the prevailing wind.

Another point which has been considered is that the type of radar used is capable of locking onto heavily charged clouds. Clouds of this nature could extend up to the heights in question and cause abnormally large echoes on the radar screens. It is not thought however that this incident was due to such phenomena (author's note.- clouds, like balloons would also be unlikely to move against prevailing winds at high speed).

It is concluded that the incident was due to the presence of five objects of unidentified type and origin. It is considered unlikely that they were conventional aircraft, meteorological balloons or charged clouds.

It is interesting to note that observation 2 states that there were no meteorological balloons in the vicinity at the time in question which contradicts the version of events given to The Evening Standard by an Air Ministry spokesman. Was this a blatant cover-up of the facts ? Certainly the Deputy Directorate of Intelligence were unhappy that the radar incident fell into the hands of the press and this is alluded to in a secret memo (Ref DDI (Tech)/S290/). However, even more damning

Without further ado, I will now relate the details surrounding the incident at West Freugh.-

Incident at West Freugh

By Section 40

Cast your mind back if you will to Thursday, 4th April 1957. Tom Finney of Preston North End FC had just been voted Footballer of the Year and the recently elected MacMillan Government had come to the bitter conclusion that the sun was setting on the British Empire. Consequently, it was announced on the day that there was going to be a radical change in the defence policy of the UK, more reliance was going to be placed on a nuclear deterrent and large cut backs would be made in conventional forces; especially those serving overseas. The world was also becoming a dangerous place to live as Britain was one month from exploding its first H-Bomb over the Pacific and the USSR was about to announce that it had developed long range missiles capable of delivering nuclear warheads.

With all the confusion over the defence cuts, it was small wonder that little attention was being focused on incredible events that were happening near Stranraer in South West Scotland. On the morning of the 4th, radar operators at the Ministry of Supply, Bomb Trials Unit, West Freugh picked up an unusual response from an almost stationary object. The first return was picked up on the screen of a radar at Balscalloch. Although its range remained appreciably constant for about ten minutes, its height appeared to alter from about 50,000 to 70,000 feet. A second radar was switched on and verified this return as the unidentified flying object was detected at the same range and height. The radar sets used were capable of following the objects automatically and the information was obtained in the form of polar coordinates. These could then be converted to give plan position indication and were printed out onto a plotting board via an electronic pen, the heights were read off a meter. The unidentified object was tracked on the plotting table and after ten minutes, it moved in a north-easterly direction with a gradual increase in speed (70mph groundspeed at 54,000 feet). Further confirmation of the unidentified object came from a radar station twenty miles away from Balscalloch which was equipped with similar height/position monitoring equipment. After the radar return had traveled about twenty miles, it did a sharp turn and proceeded in a south-easterly direction whilst increasing its speed. The Balscalloch radar tracked an object at 50,000 feet moving at a speed of 240 mph while the other station tracked four objects at 14,000 feet and 4,000 yards line astern from each other. The Balscalloch radar also picked up these returns. It was noted by the radar operators that the sizes of the echoes were considerably larger than would be expected from normal aircraft. In fact they considered that the size was nearer a ship's echo.

In the previous December, a memo marked SECRET had been issued by RAF HQ No 11 Group (Ref. 11G/S.1803/7/Air Int. Paragraph 3 of this memo stated.-

"It will be appreciated that the public attach more credence to reports by Royal Air Force personnel than to those by members of the public. It is essential that the information should be examined at Air Ministry and that its release should be controlled officially. All reports are, therefore, to be classified "CONFIDENTIAL" and personnel are to be warned that they are not to communicate to anyone other than official persons any information about phenomena they have observed, unless officially authorised to do so"

Despite these standing orders, it appears that the Evening Standard must have gotten a handle on the story as a reference was made to West Freugh in the Saturday edition (6th April). It would seem that the newspaper's Air Reporter was told by an Air Ministry spokesman that the radar returns were attributable to a weather balloon which had been

·Nationalised Industries, Quangos and the UK Atomic Energy Authority
·The National Health Service
·The Public Service Broadcasters
·Local Authorities
·Administrative functions of Courts, tribunals, Police and Police Authorities
·the Armed Forces

Good as these proposals are, it is a shame that Intelligence Services are exempt from the Act since it is clear from the West Freugh article how the Deputy Directorate of Intelligence played a significant role in dealing with unidentified aerial phenomena in the 1950s. We also know as fact that there is/ or was a specialist military division which cast an expert eye over UFO Reports, as part of its normal duties concerned with the air defence of the UK. This specialist division, known as Air Intelligence, Technical Branch 5b, came into existence around about 1962 according to a Memo in PRO File AIR 2/16918.

Whilst I appreciate a lot of intelligence related work is vital for our National Security and agree in principle with the need for secrecy here, I feel extending this kind of secrecy to UAP-related incidents is unnecessary-it certainly undermines my confidence in Government. I also believe a large number of academic and industrial institutions would welcome some form of acknowledgment by the Government on the existence of unidentified craft with superfluous design and performance. This would create tremendous research opportunities and whilst there is no evidence of extraterrestrial involvement, certainly the inferences to be drawn would, I feel, help bring the nations of Earth closer together.

I think we could improve on the Act by making some specific clauses dedicated to UAP.-

1.Since the Act is going to cover the armed forces, I would suggest that whenever our armed forces encounter an unidentified craft that displays design and performance characteristics clearly in excess of cutting edge technology, that the information be fed to the public by means of a televised press conference. The Press Conference should give full details of radar returns, size, shape, speed, flight characteristics etc of the unidentified craft. I note that a PQ was raised to this effect-Hansard (18.12.96, col 628, written answers). I think the answer given to this question was illustrative of the breathtaking arrogance of our former Government

2. I would forcefully express the desire that the Armed Forces when encountering such craft as outlined in 1. above should also share the full and uncensored details with relevant scientific bodies in the UK such as The Royal Astronomical Society and The Royal Society of Chemistry.

3. I also strongly believe that certain science orientated matters that are clearly in the public interest, especially those related to Public Health and awareness (though perhaps embarrassing to certain politicians) should not be the subject of any form of extended closure and that all such documentation currently held under extended closure should be released forthwith. These to include diseases (eg BSE), chemical and radioactivity-related illnesses (eg Gulf War Syndrome) , human guinea pig type experiments (eg releasing agents on Waterloo Bridge) and miscellaneous (to include all military/intelligence reports on UAP).

4. I would also strenuously advocate legislation that would allow for the establishment of Independent Commissions with extensive powers of search and interview. These commissions would be made up of professional people from all walks of life (Barristers, Police Officers, Scientists, Doctors) who though initially signatory to The Official Secrets Act could forcefully recommend that issues be bought out into the Public Domain if it was clear that their extended closure was not in the Public Interest.

NEED TO KNOW?

Sender Section 40

Email None

Organisation None

URL (if any)

Subject FOI and Unidentified Aerial Phenomena

Date 30 Jan 1997

Submission [Next submission (by date) | Previous Submission (by date)| Index of submissions

FOI AND UNIDENTIFIED AERIAL PHENOMENA

Allow me to introduce myself. My name is Section 40 and my Section 40 , it was conferred upon me by Section 40 in Section 40 I am a Member of Section 40 and a writer for Section 40 I spend a lot of my spare time researching the MoD's history with respect to Unidentified Aerial Phenomena (UAP), the bulk of my information comes from historically authenticated documents held in The Public Record Office.

It is clear from my researches that advanced aerial craft with design and performance parameters far outstripping our own state of the art engineering have on occasion penetrated our airspace. My enquiries have also clearly demonstrated that successive governments in the UK have failed to share this information with the people.

I do not make this claim lightly, further into this discussion you will see an article on the West Freugh Incident of 1957 which I have included for illustrative purposes. I regret using such an old example; however, you will appreciate, the MoD does not make a habit of broadcasting these incidents and obtaining information of subsequent sightings by trained observers (eg pilots) is both time consuming and expensive.

A cursory glance at Hansard Parliamentary abstracts will clearly demonstrate that incidents like West Freugh are still occurring (eg 24.7.96, col 424, written answers; 17.10.96, cols 1092-1094, written answers) and that the MoD still will not publicly acknowledge these incursions.

I applaud the comments in the FOI White Paper (Cm 3818) stating that.-

1. Unnecessary secrecy in government leads to arrogance in governance and defective decision- making. The perception of excessive secrecy has become a corrosive influence in the decline of public confidence in government. Moreover, the climate of public opinion has changed: people expect much greater openness and accountability from government than they used to.

2. The purpose of the [FOI] Act will be to encourage more open and accountable government by establishing a general statutory right of access to official records and information.

3. The Act will have a far broader scope than .....other openness measures in government. It will cover.-

From: Section 40
Directorate of Air Staff (Lower Airspace)
Operations & Policy 1
MINISTRY OF DEFENCE
Section 40 Metropole Building, Northumberland Avenue, London, WC2N 5BP

Telephone (Direct dial) 020 7218 2140
(Switchboard) 020 7218 9000
(Fax)
(GTN) Section 40

36

Section 40

Your Reference

Our Reference
D/DAS/64/3/1

Date
3 September 2001

Dear Section 40

Thank you for your letter of 26 July addressed to Secretary of State for Defence, regarding 'unidentified flying objects'. This office is the focal point within the Ministry of Defence for correspondence relating to 'UFOs ' and I have been asked to reply.

We are aware that a press conference took place in the USA, in May, in which many people claimed to have experienced various phenomena. However, as you may recall from previous correspondence, the Ministry of Defence only examines reports of 'UFO' sightings to establish whether there is any evidence that the United Kingdom's airspace might have been compromised by hostile or unauthorised air activity. Unless there is evidence of a potential threat to the United Kingdom from an external military source we do not conduct further investigations or attempt to identify what might have been seen. To date no UFO sighting reported to us has revealed any threat and we therefore have no plans to change our current policy or practices with regard to these reports.

You also mention your ideas for the release of brief summaries of the reports received by the MOD. With the start of the introduction of the Freedom of Information Act next year, this department, in common with other Government departments, will be examining what material we hold and what information may be released to the public. Thank you for your suggestion, we will, of course, bare this in mind.

Finally, the MOD does not have any expertise or role in respect of 'UFO/flying saucer' matters, or the question of the existence or otherwise of extraterrestrial lifeforms. We remain totally open-minded, but to date the MOD knows of no evidence which substantiates the existence of these alleged phenomena.

Yours sincerely,

Section 40

UFOs

TREAT OFFICIAL CORRESPONDENCE

To DAS 4 Ref No 5944 /2001

Date 6 Aug 2001

The Secretary of State / _____ has received the attached letter from a member of the public. This office has not acknowledged it.

Please send a reply on behalf of the Minister. All Ministers attach importance to such letters being answered promptly; your reply should therefore be sent **within 20 working days** of receipt in this branch. If, exceptionally, this should prove impossible an interim reply should be sent within the same timescale.

A new Open Government Code of Practice on Access to Government Information came into force in January 1997. All replies to members of the public must be in accordance with the procedures set out in the Code. A full explanation of the Code of Practice is contained in DCI(Gen) 223/99, further information is available from DG Info on extension Section 40 [redacted]

Under the Citizens' Charter, Departments are now required to keep records of their performance. All branches and Agencies are required to keep information on the number of **requests for information which refer to the Code of Practice** including details of the correspondent and the nature and date of the reply. In addition, the Department is required to provide a record of the total number of letters from members of the public and provide statistics (which may be used on a valid sample) of its performance in providing replies within their published targets.

As part of our monitoring procedure, random spot checks on the accuracy of your branch records on correspondence will be performed throughout the year.

MINISTERIAL CORRESPONDENCE UNIT

Section 40 [redacted]

Section 40
[redacted]

26 July 2001

Geoffrey Hoon
SoS for Defence
House of Commons
Westminster
LONDON
SW1A 0AA

Dear Mr Hoon,

I understand there has been a press conference given in the USA by individuals who had dealings with unidentified aerial phenomena whilst working for the US Government. Given at the National Press Club in Washington DC on the 9th May last, I understand there was some incredible testimony by some highly credible witnesses.

Could you comment on whether the MoD has reviewed the testimony presented in the press conference and whether based on the testimony, it will make what I personally view as long-overdue changes to its policy on unidentified aerial phenomena ?

As you may be aware, it is widely perceived in both the USA and the UK that the subject is played down by the respective governments. A perception that is not entirely without justification based on historical documentation publicly disclosed by various freedom of information laws.

Even if the MoD cannot change its policy on aerial phenomena, you could help to dispel some of the negative public perceptions by releasing brief summarised details of aerial phenomena reported to the MoD by military and commercial pilots and radar operators on an officially sanctioned government website. A good model to base the summaries on would be the date, location and description model adopted by the Civil Aviation Authority Mandatory Occurrence Abstracts. Open Government initiatives like this may even encourage an about-turn in the declining number of people voting in elections.

To summarise, I would be grateful for your comments on the US press conference mentioned above and its implications for UK policy on unidentified aerial phenomena. Furthermore, I would be grateful if you would consider taking steps to release brief summaries of aerial phenomena reported to the MoD by military and commercial pilots and radar operators.

Yours Sincerely

Section 40
[redacted]

Section 40
[redacted]

Copy also on 64/3

Loose Minute

D/Sec(AS)/64/3

[redacted]
35

5 June 2000

D News(RAF)

Copy to:

OMD – AD(E&MG) –without attachments

'DAILY MAIL' REQUEST FOR INFORMATION ABOUT UFOs

Reference: D/Sec(AS)/ D/Sec(AS)/64/3/1 dated 2 June 2000

1. You said that the Daily Mail had now asked for copies of the material supplied to Mr N. I attach a statement (it should be released in entirety and not be altered in any way) and copies of the alleged sighting reports for you to send on to them.

2. Following the Observer article, the News Brief to use when responding to any question has been updated. Please let me know if there is any other media interest in this issue.

3. **Please ensure that the Duty Press Officer knows that it is not for MOD to release or confirm the identity of the individual who took the case to the Ombudsman.**

Section 40 [redacted]

Sec(AS)2

Section 40 [redacted]

MOD STATEMENT PLUS TWO ATTACHMENTS

You asked for information as supplied to 'Mr N' about 'UFOs'. We have assumed your request to be identical to that reported as Case No: A.7/00 of the PCA 4th Report, Session 1999-2000 published on 24 May 2000:

> "*He* [Mr N] *asked for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 hrs on 28 July 1999. He asked for details of the types of craft which had been observed (their shape, size, speed and unusual flight patterns) and the conclusions reached by MOD on UFOs.*"

There is no requirement for anyone reporting an alleged sighting to MOD to provide details of any category of information including occupation. Where reports are made they are often very sketchy and vague. However, all the reports received over the 12 months in question by the MOD focal point (Secretariat (Air Staff)2) were reviewed. Two sightings were received during the period specified with sufficient information to substantiate the occupation of the witness as one of those requested. Although only abstracts were sought, it was felt that it would be more helpful to provide photocopies of the actual reports as they were received. Personal details were deleted in order to protect the confidentiality of the witnesses concerned.

MOD has only a very limited interest in alleged sightings of 'unidentified flying objects' which is to establish from sighting reports whether what was seen might have some defence significance. We look to see whether there is any evidence that the integrity of the UK Air Defence region has been breached by any hostile or unauthorised foreign military activity. With this requirement in mind, the conclusions reached in respect of each report were as follows:

Report No. 1 was received on 20 November 1998 and concerned a sighting on 19 November 1998 by a commercial pilot, reported to be of an object travelling fast and showing a very bright strobe light. MOD concluded that there was no unusual activity to substantiate an incident of any defence concern.

Report No. 2 was received on 15 February 1999 (page 2 is incorrectly dated) and concerned an apparent radar contact that day by an air traffic controller in Scotland. MOD found that there was no Air Defence activity (routine or Quick Reaction Alert) or exercises involving RAF Air Defence units during the period. Radar investigations were made but recorded radar data displays did not support the contact reported. In the circumstances MOD found nothing to substantiate an incident of any defence concern.

No other reported sightings were found during the search to match the three categories specified in the request.

Because of the time needed to examine a number of files and check the details of hundreds of enclosures, Mr N was asked to pay for the cost of the search. The same information can be provided now at no cost because MOD has already recouped the cost of collating and preparing it for release.

Message Instructions

Precedence Indicator

Address

ATTN [redacted] REDACTION ON ORIGINAL DOCUMENT

FM [redacted] REDACTION ON ORIGINAL DOCUMENT

Date and time of filing

Origin

REPORT No. 1

TEXT A) 19.5. -1910 — 05 MINS.

1 OBJECT. VERY BRIGHT STROBE LIGHT STROBE 1 EVERY 20 SECONDS.

B. C) IN A [redacted] REDACTION ON ORIGINAL DOCUMENT NORTH NITON. HEADING TOWARDS ROLEHILL OBJECT HEADING NORTH HIGH LEVEL. DISAPPEARED INTO HORIZON IN 5 MINS. CHECKED WITH [redacted] REDACTION ON ORIGINAL DOCUMENT CONTROL NOTHING SHOWN ON RADAR.

D. NMCED EYE

E A/C HEADING NORTH OBJECT DUE NORTH OF A/C

F. TOBERCESS. FM HORIZON.

G U/K

H. VERY HIGH SPEED.

I CLEAR

For Telecommunications use only

TOR (Incoming messages)	TOD (Outgoing messages)

Operator's Identification

Not for Transmission

Copy distribution

For Originator's use only

Signature of Originator

Office of Origin

Telephone No. Extension No.

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

Not for Civil Use

Precedence	OTG	Message Instructions	Date Stamp
Action			
[redacted]ormation			

Priority Indicator	Address
Date and time of filing	Origin

TEXT

K N/A

L. REDACTION ON ORIGINAL DOCUMENT

M. REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

N. AURMC CPT

O REDACTION ON ORIGINAL DOCUMENT

P REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

Redac 40 REDACTION ON ORIGINAL DOCUMENT

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			Office of Origin
Operator's Identification			Telephone No. Extension No.

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

SEC (AS)2, MOD Main Building, Whitehall
London SW1A 2HB
[redacted]

7 NUMBER

REPORT No. 2

ORIGINATING OFFICER REDACTION ON ORIGINAL DOCUMENT [redacted] | REDACTION ON ORIGINAL DOCUMENT [redacted]

RANK, NAME & APPOINTMENT: REDACTION ON ORIGINAL DOCUMENT [redacted]

SIGNATURE: REDACTION ON ORIGINAL DOCUMENT [redacted]

RANK/GRADE & NAME: REDACTION ON ORIGINAL DOCUMENT [redacted]

SIGNATURE: REDACTION ON ORIGINAL DOCUMENT [redacted]

A	DATE: 15 FEB 99.	TIME: 1025 Z	DURATION OF SIGHTING:	1-2 MINS

B DESCRIPTION OF OBJECT:
Number: PRIMARY RADAR CONTACT
Size
Shape: 10 MILES WIDE
Colour
Brightness: TRAVELLING V. QUICK
Sound?: ABOUT 2 MILES LONG

Smell?
Other: REDACTION ON ORIGINAL DOCUMENT [redacted] REDACTION ON ORIGINAL DOCUMENT

C EXACT POSITION OF OBSERVER:
Geographical location: REDACTION ON ORIGINAL DOCUMENT [redacted]
Indoors/Outdoors/Stationary/Moving

D HOW OBJECT WAS OBSERVED:
Naked eye/Binoculars/Camera/Video camera ON RADAR.

E DIRECTION IN WHICH OBJECT WAS FIRST SEEN: (A landmark may be useful)
TRM VOR HEADING - SW TOWARDS BELFAST.

F ANGLE OF SIGHT: —

G DISTANCE (By reference to a known landmark if possible): —

H MOVEMENT OF OBJECT: 5 MILES IN ROUGHLY 1 MINUTE.

J MET CONDITIONS DURING OBSERVATION (Moving clouds, mist, haze etc): —

K NEARBY OBJECTS OR BUILDINGS: —

L TO WHOM REPORTED:
Press:
Police: REDACTION ON ORIGINAL DOCUMENT [redacted]
Military Organisation:
Airport:
Other:

M INFORMANTS' DETAILS:
Name: REDACTION ON ORIGINAL DOCUMENT [redacted]
Address:
REDACTION ON ORIGINAL DOCUMENT [redacted]

N ANY BACKGROUND OF THE INFORMANT THAT MAY BE VOLUNTEERED: —

O OTHER WITNESSES? —

P DATE/TIME OF REPORT: 15 FEB 99 1030 Z.

[redacted]

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

ENCLOSURE NUMBER

A. Date, Time Duration of Sighting. 09582, 15/2/98. Approx 2 mins.

B. Description of Object Primary Radar Return Approx 10nm at widest point approx 2nm in length with two x-planes

C. Exact Position of Observer REDACTION ON ORIGINAL DOCUMENT

D. How Observed On Radar. REDACTION ON ORIGINAL DOCUMENT

E. Direction in which Object was first seen Tunberry Castle.

F. Angular Elevation of Object UNKNOWN.

G. Distance of Object from Observer N/A.

H. Movements of Object South Westerly very fast. Est. 1000 kts.

J. Meteorological Conditions During Observations. 23010kts. 20 cm NIL NX FEW 800 / SCT1800.
Moving Clouds, Haze, mist etc

K. Nearby Objects N/A.

L. To Whom Reported. N/A

M. Name and Address of Informant REDACTION ON ORIGINAL DOCUMENT

N. Any Background Information on the Informant that may be Volunteered SATCO REDACTION ON ORIGINAL DOCUMENT

O. Other Witnesses REDACTION ON ORIGINAL DOCUMENT

P. Date & Time of Receipt of Report As Section A.

NEWS BRIEF

DTG: 5 JUNE 2000

SUBJECT: 'DAIL MAIL' REQUEST FOR INFORMATION ON 'UFOs'

SOURCE: Branch: Sec(AS)2: Section 40 Tel: Section 40

PRESS OFFICER Section 40 D News RAF

BACKGROUND

PCA 4th Report, Session 1999-2000 published 24 May 2000, Case No: A.7/00 - Refusal to Release Information About Incidents Involving Unidentified Flying Objects.

KEY MESSAGE

MOD has only a very limited interest in alleged sightings of 'unidentified flying objects' which is to establish from reports provided whether what was seen might have some defence significance.

KEY POINTS

* The Ombudsman commended MOD's handling of Mr N's correspondence saying that they had done so in full accordance with the Code of Practice on the Release of Information.

* The Ombudsman supported MOD's judgement that the request for sighting reports (from commercial pilots, military pilots and radar personnel) from 28 July 98-28 July 99 could reasonably have been withheld under Exemption 9 of the Code (voluminous or vexatious requests). The Ombudsman very much welcomed MOD's decision nonetheless to make this information available.

* The search for reports meeting the criteria required scrutiny of proformae, letters etc, held on six manual files (over 500 enclosures). Only two reports were found to meet the criteria; one from a commercial pilot and one from an air traffic controller.

* MOD's conclusion in respect of each report was that there was nothing to substantiate an incident of defence concern.

* MOD wrote to Mr N last month to say that alleged sighting reports he understood to have been sent to MOD by the CAA had not been received; the CAA has been reminded of the correct address for their despatch.

SUBSIDIARY POINTS

* Mr N requested:

(a) that MOD agree with his interpretation of information held at the Public Record Office for 1950s-1960s in respect of alleged 'UFO' incidents and MOD policy at that time.

(b) that MOD confirm whether it was policy now to play down the significance of 'UFOs'.

(c) that MOD provide abstracts from all 'UFO' reports from commercial pilots, military pilots and radar personnel between 01.00 hrs 28 Jul 98 and 01.00 hrs 28 Jul 99 giving details of estimated sizes, shapes, speeds and unusual flight patterns of the craft, and the conclusions reached by MOD in each case.

* As a gesture of goodwill MOD agreed to (c), estimating a charge of £150 but, as a further gesture of goodwill, agreed to abate the cost to a maximum of £75.

* Mr N was provided with the information in a letter of 23 March 2000.

* The Ombudsman supported MOD's decision not to provide an opinion now on policy statements made 40-50 years ago about MOD's interest then in 'UFOs', particularly as all the available information relating to the statements is in the public domain.

* The Ombudsman rejected Mr N's complaint that MOD had not provided an adequate response to his request for a statement on MOD's present policy on 'UFOs'.

Copy also on 64/3

Loose Minute

D/Sec(AS)/64/3

[redacted]
34

2 June 2000

D News(RAF)

Copy to:

OMD – AD(E&MG)

'OBSERVER' REQUEST FOR INFORMATION ABOUT UFOs

Reference: D/Sec(AS)/ D/Sec(AS)/64/3/1 dated 23 March 2000

1. I understand the 'Observer' has asked whether information provided to 'Mr N' might be made available to them on payment of the same fee.

2. The 'Observer' has picked up the story from the Parliamentary Ombudsman's Report published on 24 May (PCA 4th Report, Session 1999-2000, case No: A.7/00). Background details and a News Brief were provided to D News (RAF) at Reference.

3. DOMD are the MOD focal point for dealings with the Ombudsman. They advise that the information can be released at no cost, and the MOD spokesperson should stress that the only reason the Department is not levying a charge is because we have already recouped the cost of collating and preparing it for release.

4. A written statement with attachments is provided for you to pass on to the 'Observer'. It is important that it is released in entirety. It should not be altered in any way. **You must also ensure that the identity of the individual who took the case to the Ombudsman is not revealed under any circumstances.** With this in mind, I attach an amended version of the News Brief provided at Reference.

Section 40 [redacted]

Sec(AS)2

Section 40 [redacted]

NEWS BRIEF

DTG: 2 JUNE 2000

SUBJECT: 'OBSERVER' REQUEST FOR INFORMATION ON 'UFOs'

SOURCE: Branch: Sec(AS)2: Section 40 Tel Section 40

PRESS OFFICER: Section 40 D News RAF

BACKGROUND

PCA 4th Report, Session 1999-2000 published 24 May 2000, Case No: A.7/00 - Refusal to Release Information About Incidents Involving Unidentified Flying Objects.

KEY MESSAGE

MOD has only a very limited interest in alleged sightings of 'unidentified flying objects' which is to establish from reports provided whether what was seen might have some defence significance.

KEY POINTS

* The Ombudsman commended MOD's handling of Mr N's correspondence saying that they had done so in full accordance with the Code of Practice on the Release of Information.

* The Ombudsman supported MOD's decision not to provide an opinion now on policy statements made 40-50 years ago about MOD's interest then in 'UFOs', particularly as all the available information relating to the statements is in the public domain.

* The Ombudsman rejected Mr N's complaint that MOD had not provided an adequate response to his request for a statement on MOD's present policy on 'UFOs'.

* The Ombudsman supported MOD's judgement that the request for sighting reports (from commercial pilots, military pilots and radar personnel) from 28 July 98-28 July 99 could reasonably have been withheld under Exemption 9 of the Code (voluminous or vexatious requests). The Ombudsman very much welcomed MOD's decision nonetheless to make this information available.

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* As a gesture of goodwill MOD agreed to (c), estimating a charge of £150 but, as a further gesture of goodwill, agreed to abate the cost to a maximum of £75.

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MOD STATEMENT PLUS TWO ATTACHMENTS

You asked for information as supplied to 'Mr N' about 'UFOs'. We have assumed your request to be identical to that reported as Case No: A.7/00 of the PCA 4th Report, Session 1999-2000 published on 24 May 2000:

> "*He* [Mr N] *asked for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 hrs on 28 July 1999. He asked for details of the types of craft which had been observed (their shape, size, speed and unusual flight patterns) and the conclusions reached by MOD on UFOs.*"

There is no requirement for anyone reporting an alleged sighting to MOD to provide details of any category of information including occupation. Where reports are made they are often very sketchy and vague. However, all the reports received over the 12 months in question by the MOD focal point (Secretariat (Air Staff)2) were reviewed. Two sightings were received during the period specified with sufficient information to substantiate the occupation of the witness as one of those requested. Although only abstracts were sought, it was felt that it would be more helpful to provide photocopies of the actual reports as they were received. Personal details were deleted in order to protect the confidentiality of the witnesses concerned.

MOD has only a very limited interest in alleged sightings of 'unidentified flying objects' which is to establish from sighting reports whether what was seen might have some defence significance. We look to see whether there is any evidence that the integrity of the UK Air Defence region has been breached by any hostile or unauthorised foreign military activity. With this requirement in mind, the conclusions reached in respect of each report were as follows:

> **Report No. 1** was received on 20 November 1998 and concerned a sighting on 19 November 1998 by a commercial pilot, reported to be of an object travelling fast and showing a very bright strobe light. MOD concluded that there was no unusual activity to substantiate an incident of any defence concern.
>
> **Report No. 2** was received on 15 February 1999 (page 2 is incorrectly dated) and concerned an apparent radar contact that day by an air traffic controller in Scotland. MOD found that there was no Air Defence activity (routine or Quick Reaction Alert) or exercises involving RAF Air Defence units during the period. Radar investigations were made but recorded radar data displays did not support the contact reported. In the circumstances MOD found nothing to substantiate an incident of any defence concern.

No other reported sightings were found during the search to match the three categories specified in the request.

Because of the time needed to examine a number of files and check the details of hundreds of enclosures, Mr N was asked to pay for the cost of the search. The same information can be provided now at no cost because MOD has already recouped the cost of collating and preparing it for release.

MOD STATEMENT PLUS TWO ATTACHMENTS

You asked for information as supplied to Section 40 about 'UFOs'. We have assumed your request to be identical to that reported as Case No: A.7/00 of the PCA 4th Report, Session 1999-2000 published on 24 May 2000:

> *"He Section 40 asked for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 hrs on 28 July 1999. He asked for details of the types of craft which had been observed (their shape, size, speed and unusual flight patterns) and the conclusions reached by MOD on UFOs."*

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>
> **Report No. 2** was received on 15 February 1999 (page 2 is incorrectly dated) and concerned an apparent radar contact that day by an air traffic controller in Scotland. MOD found that there was no Air Defence activity (routine or Quick Reaction Alert) or exercises involving RAF Air Defence units during the period. Radar investigations were made but recorded radar data displays did not support the contact reported. In the circumstances MOD found nothing to substantiate an incident of any defence concern.

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Priority Indicator

Address

REDACTION ON ORIGINAL DOCUMENT

FM REDACTION ON ORIGINAL DOCUMENT

Date and time of filing

Origin

REPORT No. 1

TEXT

A) 19.G. ... -1910 — 05 MINS.

1 OBJECT. VERY BRIGHT STROBE LIGHT STROBE 1 EVERY 20 SECONDS.

B. C) IN REDACTION ON ORIGINAL DOCUMENT NORTH NITON. HEADING TOWARDS ROSEHILL OBJECT HEADING NORTH HIGH LEVEL. DISAPPEARED INTO HORIZON. IN 5 MINS. CHECKED WITH LOCAL CONTROL REDACTION ON ORIGINAL DOCUMENT NOTHING SHOWN ON RADAR.

D. NAKED EYE

E W/C HEADING NORTH OBJECT DUE NORTH OF A/C

F. TODER-353. FM HORIZON.

G U/K

H. VERY HIGH SPEED.

J CLEAR

For Telecommunications use only

TOR (Incoming messages)	TOO (Outgoing messages)

Operator's Identification

REDACTION ON ORIGINAL DOCUMENT

Not for Transmission

Copy distribution

For Originator's use only

Signature of Originator

Office of Origin

Telephone No. Extension No.

REDACTION ON ORIGINAL DOCUMENT

Not for Civil Use

Precedence	DTG	Message Instructions	Date Stamp
Action			
Information			

[redacted]ority Indicator	Address
Date and time of filing	Origin

TEXT

K. N/A

L. REDACTION ON ORIGINAL DOCUMENT

M REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

N. [redacted]

O REDACTION ON ORIGINAL DOCUMENT

P

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

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			Office of Origin
Operator's Identification			Telephone No. Extension No.

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[redacted] 7

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REPORTING OFFICER: [redacted]

RANK, NAME & APPOINTMENT: [redacted]

SIGNATURE: [redacted]

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

RANK/GRADE & NAME: [redacted]

SIGNATURE: [redacted]

REPORT No. 2.

A	DATE: 15 Feb 99.	TIME: 1025 Z	DURATION OF SIGHTING: 1-2 MINS	
B	DESCRIPTION OF OBJECT: Number Size PRIMARY RADAR CONTACT Shape 10 MILES WIDE Colour Brightness TRAVELLING V. QUICK Sound? NOT 2 MILES AWAY		Smell? Other REDACTION ON ORIGINAL DOCUMENT REDACTION ON ORIGINAL DOCUMENT	
C	EXACT POSITION OF OBSERVER: Geographical location: [redacted] REDACTION ON ORIGINAL DOCUMENT Indoors/Outdoors/Stationary/Moving			
D	HOW OBJECT WAS OBSERVED: Naked eye/Binoculars/Camera/Video camera ON RADAR.			
E	DIRECTION IN WHICH OBJECT WAS FIRST SEEN: (A landmark may be useful) HEADING TRM VOR — SW TOWARDS BELFAST.			
F	ANGLE OF SIGHT: —			
G	DISTANCE (By reference to a known landmark if possible): —			
H	MOVEMENT OF OBJECT: 5 MILES IN ROUGHLY 1 MINUTE.			
J	MET CONDITIONS DURING OBSERVATION (Moving clouds, mist, haze etc): —			
K	NEARBY OBJECTS OR BUILDINGS: —			
L	TO WHOM REPORTED: Press: Police: [redacted] REDACTION ON ORIGINAL DOCUMENT Military Organisation: Airport: Other:			
M	INFORMANTS' DETAILS: Name: [redacted] REDACTION ON ORIGINAL DOCUMENT Address: REDACTION ON ORIGINAL DOCUMENT			
N	ANY BACKGROUND OF THE INFORMANT THAT MAY BE VOLUNTEERED: —			
O	OTHER WITNESS? —			
P	DATE/TIME OF REPORT: 15 Feb 99 1030Z.			

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

ENCLOSURE NUMBER

A. Date, Time Duration of Sighting. 09582, 15/2/98. Approx 2 mins.

B. Description of Object Primary Radar Return Approx 10nm at widest point approx 2nm in length with two x-planes

C. Exact Position of Observer [redacted]

REDACTION ON ORIGINAL DOCUMENT

D. How Observed On RADAR [redacted]

REDACTION ON ORIGINAL DOCUMENT

E. Direction in which Object was first seen TURNBERRY COASTLINE.

F. Angular Elevation of Object UNKNOWN.

G. Distance of Object from Observer N/A.

H. Movements of Object SOUTH WESTERLY VERY FAST. EST. 1000 KTS.

J. Meteorological Conditions During Observations. Moving Clouds, Haze, mist etc 230 10KTS. 20 KM NIL NX FEW 800 / SCT 1800.

K. Nearby Objects N/A.

L. To Whom Reported. N/A

M. Name and Address of Informant REDACTION ON ORIGINAL DOCUMENT [redacted]

N. Any Background Information on the Informant that may be Volunteered. SATCO

REDACTION ON ORIGINAL DOCUMENT

O. Other Witnesses [redacted]

REDACTION ON ORIGINAL DOCUMENT

P. Date & Time of Receipt of Report As Section 'A'.

FAO Section 40

•Britain's UFO sec

32

Scientist's pressure for information opens up hidden government files on strange sightings in the sky

by Antony Barnett
Public Affairs Editor

ON 11 February 1999 an air traffic controller in Scotland noticed something strange on his radar screen. A bright blip on his screen suggested there was a very large object travelling at 3,000mph over the Scottish coastline heading south-west to Belfast.

The size of the blip suggested the object was 10 miles long and two miles wide. Two minutes later the object disappeared from the radar screen.

Three months earlier, MoD documents record that a commercial pilot flying over the Midlands reported an unusual object travelling at 'very high speed' with a very bright strobe light flashing once every 20 seconds.

Although the two incidents were unrelated, both were reported to a little-known department in the Ministry of Defence, known as Secretariat (Air Staff) 2a. This is the secretive section in Whitehall which collates reports of unidentified flying objects that cross British airspace.

Whitehall has traditionally treated reports of UFO sightings as highly classified and only released information to the public after 30 years. But the parliamentary Ombudsman insisted that the MoD hand this information to Colin Ridyard, a research chemist from Wales.

Dr Ridyard had been seeking information relating to UFO sightings by pilots or radar operators between July 1998 and July 1999. Initially the MoD refused on the ground it would be too expensive. But after the intervention of the ombudsman, Michael Buckley, the MoD agreed to release the information as a one-off exercise for £75. The Ministry handed two reports to Ridyard, yet official information from the Civil Aviation Authority suggests there had been additional sightings. During the same period the CAA said it reported two more UFO sightings to the MoD, neither of which the Ministry disclosed.

According to official CAA reports, in the same month that a radar picked up an enormous object flying across Scotland, a pilot flying over the North Sea became star- ...tled when ... illuminat... cent' ligh... craft in th... ing a ball ... high spee... trollers re... no stran...

At the insistence of the parliamentary Ombudsman, the Ministry of Defence has relax...

The more you w
the more you g

OBSERVER ARTICLE

COPY ALSO ON: 64/3 & 64/5

) secrets revealed

nan, the Ministry of Defence has released classified details of 'close encounters' reported recently.

ie MoD, neither of Ministry disclosed. ling to official CAA n the same month adar picked up an object flying across . a pilot flying over h Sea became star- tled when his aircraft became illuminated by an 'incandescent' light. Three other aircraft in the area reported seeing a ball of light moving at high speed. Air traffic controllers reported there were no strange aircraft in the area, but five minutes later an operator at a weather station picked up a fast-moving object on his radar.

The other incident which CAA reported to the MoD occurred in June 1989 when the pilot of a B757 flying over the North Sea reported an unidentified military-looking aircraft passing close by in the opposite direction. Nothing was seen on the plane's radar or by air traffic controllers. The MoD told the Authority that there were no military aircraft known to be in that area at the time.

Although an MoD spokeswoman would not discuss individual sightings, she said all these events had perfectly normal explanations. 'Sometimes radars have spurious readings caused by military aircraft in the vicinity, and radar-jamming facilities and bright lights on the underside of aircraft can be caused by events on the ground.'

In a letter to one of Ridyard's local MPs, Defence Minister John Spellar said: 'My department has no interest or role with respect to UFO/flying saucer matters or to the question of the existence or otherwise of extraterrestrial life forms – about which we remain open-minded.'

However, declassified government documents in the Public Records Office from June 1965 reveal that 'it was official MoD policy to play down the subject of unidentified flying objects and to avoid attaching undue public attention or publicity to the subject... as a result we have never had any political pressure to mount a large-scale investigation'. Other documents from that time state: 'The press are never to be given information about unusual radar sightings... and [unusual visual] sightings are in no circumstances to be disclosed to the press.'

But Ridyard said: 'This is not about little green men, but about freedom of information. It is clear there are many strange incidents that happen in the British skies that are kept secret. There may be issues of aircraft safety or natural phenomena, but by keeping this information secret these incidents cannot be scrutinised by the public or the scientific community.'

One of the most infamous incidents relating to a UFO sighting in Britain only came to light through US freedom of information legislation. This revealed that in December 1980 three security patrolmen investigating a potential air crash near the US Air Force base in Suffolk saw a strange glowing triangular object hovering in the forest near the base which had a 'pulsing red light on top and blue lights underneath'.

An official report by Lieutenant-Colonel Charles Halt, the deputy base commander, included a description of the events and stated that the next day three depressions were found in the forest where the object was discovered which showed radiation readings. Later that night three star-like objects were seen in the sky moving 'rapidly in sharp angular movements'.

Flood

SEC(AS)2

To: OMD/AD(E+MG)
Cc: DOMD; SEC(AS)2A1
Subject: Ombudsman Case

Importance: High

32

Section 40

Thank you for the extract from the Parliamentary Ombudsman's Report about Mr N Section 40 .

As you are aware, the Guardian has asked one of the DCC staff whether they can be provided with 'the same information as Mr N if they pay £75'.

What do we say?

Can we release the information to a third party, and do we need to safeguard the identity of Mr N? What grounds are there for refusing the request? The Guardian can ask exactly the same questions because the Ombudsman's Report details them in full and is published on the Internet. Do we make the Guardian and any others who ask the same questions pay and, if so, how much (we charged Mr N £60)? What is the Government's policy on this? Is it just the first person to ask who pays (because the search is done for them)? Do all those who follow after get the information for nothing because the search has already been done (and we do not incur any extra costs because all we do is draft a reply)?

Grateful for your advice please.

Section 40
AD/Sec(AS)2
1 June 2000

From: OMD/AD(E+MG)
Sent: 01 June 2000 18:30
To: SEC(AS)2
Cc: DOMD; SEC(AS)2A1
Subject: RE: Ombudsman Case

31

Importance: High

Section 40

Without having seen the actual information we passed to Mr N, I have the following comments:

- it remains MOD information, to do with as we please. Mr N's payment was to reimburse us the cost of providing him with information; he does not own the information or have any say in what we do with it.

- equally, giving the information to Mr N is the same as had we given it to a journalist, newspaper, whoever. It puts it into the public domain, with all that entails.

- the only reason we originally withheld the information was the disproportionate cost of collating and preparing the information for release. That no longer applies as I assume the same information could be released in the same format at very little cost.

We should not refuse to supply this information simply because we have already supplied it to someone else, that would imply that it was no longer our information.

It seems to me that our only option is to supply the information to whoever asks for it. Further, we should do so AT NO COST (but stress that the only reason we are not charging is because we have already recouped the cost). Acces to Govt info is enabled by the Code which only allows us to charge to cover our costs, not to make a proit. Sadly!

Hope this helps.

Section 40

-----Original Message-----
From: SEC(AS)2
Sent: 01 June 2000 18:03
To: OMD/AD(E+MG)
Cc: DOMD; SEC(AS)2A1
Subject: Ombudsman Case
Importance: High

Section 40

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Grateful for your advice please.

Section 40
AD/Sec(AS)2
1 June 2000

Section 40
OMD/AD(Efficiency & Machinery of Government)
Ministry of Defence
Section 40
Northumberland House
Northumberland Avenue
LONDON
WC2N 5BP

Telephone Section 40
Fax:

dossiers

£7530

Fax

To: Sec(AS)2

Fax: Section 40

Phone:

Pages: 1+4

Date: 1/06/2000

Re: PARLIAMENTARY OMBUDSMAN'S REPORT – Section 40

Please find attached extract from the Ombudsman's Report.

Section 40

PCA - 4th REPORT - SESSION 1999-2000

MINISTRY OF DEFENCE

Case No: A.7/00

Refusal to release information about incidents involving unidentified flying objects

Section 40 *complained that the Ministry of Defence (MOD) refused to provide him with a satisfactory response to three requests for information relating to unidentified flying objects (UFOs). He asked MOD: (i) whether they agreed with three statements regarding UFOs contained in records dating back to the 1950s and 1960s; (ii) whether it was their present policy to play down the subject of UFOs; and (iii) to provide specific information regarding UFO sightings made between 28 July 1998 and 28 July 1999. The Permanent Secretary of MOD said that it was not within their remit to provide an official comment on alleged incidents and policy from the 1950s and 1960s and noted that the files containing the statements were in the Public Record Office and open to anyone to draw their own conclusions. He said that their present policy on UFOs had been explained to* Section 40 *several occasions and went on to outline the limited interest MOD had in UFO issues. As regards the specific information relating to UFO sightings, the Permanent Secretary was satisfied that their initial decision not to release the information under Exemption 9 was justified. However, he decided on this occasion, as a one-off exercise, to provide the information requested by* Section 40 *them for a charge of no more than £75. The Ombudsman considered MOD's response to the first request as being reasonable and was satisfied that they had provided an adequate response to* Section 40 *second request. He found that MOD could reasonably have withheld the specific information about UFO sightings under Exemption 9 but welcomed their decision to provide it to* Section 40

5.1 Section 40 complaint is that MOD had refused to provide him with information that should have been made available to him under the Code of Practice on Access to Government Information (the Code).

Background

5.2 Section 40 wrote to MOD on 24 May 1998 asking for information about incidents in the 1950s involving 'unidentified flying objects' (UFOs). MOD replied on 24 June. In their letter they explained their policy towards the storage and destruction of files on this subject. They said that all surviving contemporary paperwork had been forwarded to the Public Record Office and, as such, was a matter of public record. In reply (in an undated letter), Section 40 asked them to confirm the following statements as a matter of public record:-

> *'1. An incident occurred on 4 April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin (Ref DDI(Tech)/C.290/3/, report dated 30 April 1957, PRO File AIR 20/9321).*
>
> *'2. It was official MOD policy to play down the significance of unidentified flying objects (AIR 2/17527).*
>
> *'3. Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace (PRO Files AIR 20/9320, AIR 20/9321, AIR 20/9994 and AIR 16/1199).'*

5.3 MOD wrote back on 6 July, to say that they could add nothing to their letter of 24 June. Section 40 had earlier written separately to MOD on 25 June 1998, asking for information about visual and radar observations of aerial phenomena by Royal Air Force pilots and ground crew. He asked for details of the types of craft which had been observed (their shape, size and performance), their location and the dates of the incidents. He cited the Code and requested that MOD quote exemptions if they were minded to refuse the information; he also asked MOD to conduct an internal review. On 10 July 1998 Section 40 wrote to MOD about the three statements (paragraph 5.2 above) and asked them to review his request that they confirm the statements as a matter of public record.

5.4 On 30 July 1998, MOD wrote to Section 40 about the outcome of their review of both his requests. In respect of details of 'aerial phenomena', they told him that the information could be justifiably withheld under Exemption 9 of the Code (see paragraph 5.12 below) because providing it would require an unreasonable diversion of resources. As to the three statements they told him that, to the best of their knowledge, the files held at the Public Record Office contained the full details of any alleged incidents and decisions made at the time in respect of them; all contemporary paperwork was therefore available for public scrutiny. They also told him about his avenue of appeal to the Parliamentary Ombudsman.

5.5 On 28 July 1999, Section 40 wrote to MOD with a more narrowly focussed request for information. He asked for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999. He asked for details of the types of craft which had been observed (their shape, size, speed and unusual flight patterns) and the conclusions reached by MOD on UFOs. He also asked if MOD now agreed, in 1999, with the three statements given previously (paragraph 5.2 above) and expanded on the second of those statements by asking whether it was now, in 1999, official MOD policy to play down the subject of UFOs.

5.6 MOD replied on 14 October 1999. In their letter they said that the position with regard to the information requested by Section 40 had explained to him in July 1998 and that this position remained unchanged. As regards present MOD policy in respect of UFO related issues, they replied that this had been explained to Section 40 on many occasions. Section 40 was not satisfied with that reply and sought the Ombudsman's intervention.

Departmental response to the Ombudsman

5.7 In offering his comments on the complaint, the Permanent Secretary of MOD said that he was satisfied that MOD's previous responses on the three specific statements had been correct. He said that it was not within MOD's remit to provide an official Departmental comment on alleged incidents and policy from the 1950s and 1960s, and noted that the files were in the Public Record Office and were open to anyone to draw their own conclusions.

5.8 With regard to Section 40 request as to whether it was official MOD policy to play down the subject of unidentified flying objects, the Permanent Secretary said that the Department's policy on UFOs had been explained to Section 40 on several occasions. He said that MOD had only a very limited defence interest in UFO issues, which was simply to establish from sighting reports whether or not there had been any breach of the UK Air Defence Region. He went on to say that investigations into sightings were only carried out if there were corroborative evidence that such a breach had occurred.

5.9 As regards Section 40 narrower request for specific information regarding UFO sightings between 28 July 1998 and 28 July 1999, the Permanent Secretary said that he was satisfied that the decision not to release this information under the terms of the Code was justified and referred to Exemption 9. He said that, in order to meet Section 40 request, they would need to scrutinise, and copy as appropriate, some 800 pieces of correspondence. In addition, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. It was estimated that it would take about 14 working hours to handle the request. However, although in his view the Code had been correctly applied, the Permanent Secretary said that he had asked the responsible division within the Department to make the information available to Section 40 on this occasion as a one-

off exercise, and noted that there would be significant resource problems in repeating it.

5.10 Given the extent of the work involved, the Permanent Secretary also took the view that it would be reasonable to levy a charge for the information requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess of four hours to produce non-essential information. This would equate to a proposed charge of £150 but as a gesture of goodwill, he said that Section 40 would be charged a maximum of £75 on this occasion.

5.11 The Permanent Secretary also commented on his Department's general handling of Section 40 correspondence. He took the view that Section 40 requests, which amounted to over 35 letters since July 1996, had been handled according to the Code and that the only identifiable shortcoming was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. He accepted that a holding reply should have been sent to Section 40 but more might have been done to explain to him why his request was considered unreasonable.

The Code of Practice

5.12 Exemption 9 of the Code, which was cited by MOD, reads as follows:

> *'Requests for information which are vexatious or manifestly unreasonable or are formulated in too general a manner, or which (because of the amount of information to be processed or the need to retrieve information from files not in current use) would require unreasonable diversion of resources.'*

Assessment

5.13 In assessing this complaint there are two aspects I have to consider: the substantive issue of whether or not information should be released and the general handling of Section 40 complaint. I turn first to the release of information. Section 40 first request was that MOD confirm as a matter of public record the three specific statements contained in historical records. In asking this question, Section 40 appears to be seeking a current view from MOD in respect of both factual matters and their policy in the 1950s and 1960s regarding UFOs. MOD's view is that all the available information regarding these statements is in the Public Record Office and that it is therefore open to anyone to draw their own conclusions. Paragraph 3(v) of the Code commits Departments 'to release, in response to specific requests, information relating to their policies, actions and decisions and other matters related to their areas of responsibility'. However, the Guidance on Interpretation of the Code states that Departments are not obliged 'to give an opinion on a particular matter unless there would be a reasonable expectation that it should do so in the normal course of business'. MOD have provided Section 40 with details of their present policy on UFOs but I do not believe they can reasonably be expected now to provide an opinion on policy or statements made 40 to 50 years ago, particularly when all the available information relating to those statements is already in the public domain. I do not therefore consider that Section 40 request can be dealt with under the terms of the Code and I do not see the Permanent Secretary's response as unreasonable.

5.14 I am also satisfied that MOD have provided an adequate response to Section 40 request for a statement of their present policy on the subject of UFOs. The Permanent Secretary said that MOD's policy on the subject of UFOs had been explained to Section 40 several occasions, to the effect that MOD had a very limited interest in UFO issues, which was to establish from sighting reports whether there had been any breach of the UK Air Defence Region.

5.15 I very much welcome the Permanent Secretary's decision to provide Section 40 with the specific information regarding UFO sightings that he has requested. The Code recognises that there are limits to the resources that a body can reasonably devote to answering requests for information. Exemption 9 of the Code allows requests for information to be refused after proper consideration if - because of the amount of information to be processed or the need to retrieve information from archived files - meeting a request would require an unreasonable diversion of resources. Clearly it is a matter of judgement as to whether or not information requested in any given case is sufficiently extensive to justify the application of

Exemption 9. On this occasion, the MOD have agreed, in spite of their view that Exemption 9 could be held to apply, to carry out that work and release the information. I welcome this decision and consider the prospective maximum charge of £75 to Section 40 be reasonable in the light of the demands placed on the Department's resources.

5.16 As regards the general handling of Section 40 correspondence, I am pleased to note that, apart from the delay in replying to his letter of 28 July 1999, which was acknowledged as an error by the Permanent Secretary, all of Section 40 letters were answered promptly. He was also advised of his right, if he remained dissatisfied with their reply, to submit a complaint, through a Member of Parliament, to this Office. It is clear to me that MOD handled the matter in full accordance with the requirements of the Code, and for this I commend them. I am also pleased by the Permanent Secretary's comments that his Department is continuing to promote full awareness of the Code.

Conclusion

5.17 I found that the MOD acted reasonably in refusing to confirm the three specific statements contained in public records, and that they had provided Section 40 with an adequate response on their present policy on the subject of UFOs. While the MOD could reasonably have withheld the information on UFO sightings requested by Section 40 under Exemption 9, I regard their willingness to release this information on this occasion as a satisfactory outcome to a partially justified complaint.

Total screening and investigation time = 18 weeks

Previous Contents Home Search

Prepared 25 May 2000

File

29

From: Section 40 Secretariat (Air Staff)2
MINISTRY OF DEFENCE
Room 8247, Main Building, Whitehall, London, SW1A 2HB

Telephone (Direct dial) Section 40
(Switchboard) 020 7218 9000
(Fax) Section 40

Section 40

Your Reference

Our Reference
D/Sec(AS)/64/1
Date
24 May 2000

Dear Section 40

Thank you for your letter of 1 May enclosing one from the Safety Regulation Group of the Civil Aviation Authority about Mandatory Occurrence Reports. You say that the Safety Regulation Group is the '*other official sources*' mentioned in your earlier correspondence and ask that the MOD Department holding the Reports mentioned in their letter conduct a full search of their records and provides you with any information meeting the criteria as defined in the Parliamentary Ombudsman's letter to Ieuan Wyn Jones MP (A.7/00 of 29 February 2000).

As you know, Sec(AS)2 is the MOD focal point for receipt of all 'UFO'-related sighting reports and correspondence. A thorough search has been made of the files during the agreed period (28 July 1998 to 28 July 1999). There is no record that Mandatory Occurrence Reports 199900648 dated 03/02/99 and 199903489 dated 05/06/99 were received. I contacted Section 40 at Corporate Affairs, Safety Regulation Group for further information. She said that they were copied to:

(AS)2
Main Building
Whitehall

I queried the brevity of the address. Section 40 said that it was the address they used to forward Reports. The omission of 'Ministry of Defence', 'London' and a postcode in the address could have accounted for the Reports not being received by Sec(AS)2. As could the fact that the Branch title used does not exist and there is no supporting Room number to help with identification. Nevertheless, checks have been made with Branches in MOD Head Office whose titles are similar to (AS)2 and those with an interest in aircraft safety. No trace of the Reports has been found.

It is some while since the two Reports were filed with the Safety Regulation Group. There has been nothing in the meantime to suggest that the integrity of the UK Air Defence Region was breached by what was reported to them. I am sure you will understand therefore that MOD has no

plans to carry out an investigation now of what might have occurred.

I can appreciate that you will be disappointed with the result of our enquiries. I can assure you that efforts were made to try and trace what happened to the Reports. The Safety Regulation Group has now been provided with full details of our address.

Yours sincerely,

Section 40

Hidden copies to: Section 40 Ombudsman

AOGE 1
OCC RAF
OMO 14

SEC(AS)2

From: DAS-DD1
Sent: 15 May 2000 13:59
To: SEC(AS)2
Subject: UNCLAS: Mandatory Occurrence Reports

28

Section 40

Your D/Sec(AS)64/1 asked about 2 Mandatory Occurrence Reports forwarded by the SRG to MoD. We have no record of the Reports having arrived with us.

Section 40

27

Loose Minute

D/Sec(AS)64/1

12 May 2000

AS.DD1

Copy to:

ADGE1
Sec(AS)1

CAA – MANDATORY OCCURRENCE REPORTS

1. I am currently dealing with an Ombudsman Case, prompted by a keen 'ufologist' who is anxious to obtain data from 'UFO' sighting reports he believes have been provided to us by the CAA Safety Regulation Group (SRG).

2. I will not bore you with the details of the case! My aim in writing is to try and trace two Mandatory Occurrence Reports the SRG has advised him were forwarded to MOD. From my discussions with the SRG it seems they were sent to '*AS2 MOD Main Building Whitehall*'. With an address as vague as that it is hardly surprising we did not receive them. From the description of the reports (SRG extract attached) it is clear their interpretation of a 'UFO' is rather different than that of most of our 'ufologists'. I wonder, did either or both reports find their way to your Registry or the Registries of copy addressees?

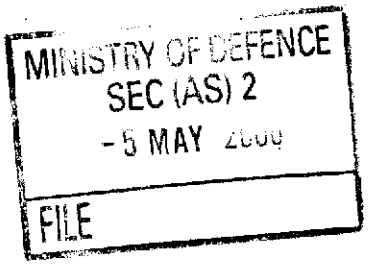
Section 40 [redacted]

Section 40 [redacted]

Sec(AS)2

Section 40 [redacted]

Section 40



1st May '00

Section 40

Secretariat (AS) 2
MoD
Whitehall

Dear Section 40

Thank you for your letter of 10th April.

Please find enclosed the information from "other official sources" that I spoke of in my letter of the 29th March.

I would be grateful if the MoD Dept holding this information would also conduct a full search of their records over the agreed period and furnish me with ~~them~~ any information meeting the agreed criteria.

I am grateful for your continued co-operation on this matter

Yours Sincerely

Section 40

Section 40

SAFETY REGULATION GROUP

Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

Direct Dial
Direct Fax

Section 40

CIVIL AVIATION AUTHORITY

Our ref 10MG/03/01/01 - 155

29 March 2000

Section 40

Dear Section 40

Following your telephone call on Monday, I asked the Safety Data Department for details of any Mandatory Occurrence Reports regarding UFOs for the period 28 July 1998 to 28 July 1999 which have been passed to the Ministry of Defence.

They have only two occurrences, the details of which are attached.

Yours sincerely

Section 40

Section 40
Corporate Affairs

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
03.02.1999	Not Applicable	RAMME 58W	Cruise	**199900648**

Other Occurrence : Unidentified bright light below BAe146 at FL280.

Area below a/c illuminated for 10 seconds by incandescent light which was not considered by reporter to be an a/c landing light. Reporter stated three other a/c reported seeing it moving at high speed or static. ATC informed but they reported no other a/c in vicinity. Five minutes later a radar return was present at 75miles on weather radar. Atmosphere reported as stable and no other a/c were in vicinity.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
05.06.1999	B757	SHAPP	Cruise	**199903489**

ATC Occurrence : Pilot of B757 reported unidentified military a/c which passed close below & in opposite direction.

Traffic was not seen on radar by any of the relevant ATC units & no military a/c were known to be in the area.

26

Loose Minute

D/Sec(AS)64/1

12 May 2000

Section 40 [redacted]

AS.DD1

Copy to:

Can you check + let Section 40 know, please?

Section 40 [redacted] 12/5

ADGE1
Sec(AS)1

CAA – MANDATORY OCCURRENCE REPORTS

1. I am currently dealing with an Ombudsman Case, prompted by a keen 'ufologist' who is anxious to obtain data from 'UFO' sighting reports he believes have been provided to us by the CAA Safety Regulation Group (SRG).

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Section 40 [redacted]

Section 40 [redacted]
Sec(AS)2
Section 40 [redacted]

Section 40 [redacted]

Sue checked in Hd of Sec(AS)'s office – no sign of the reports.

Section 40 [redacted]

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
03.02.1999	Not Applicable	RAMME 58W	Cruise	**199900648**

Other Occurrence : Unidentified bright light below BAe146 at FL280.

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SAFETY REGULATION GROUP
Civil Aviation Authority, Aviation House, Gatwick Airport South, West Sussex RH6 0YR.
Telephone: (01293) 567171 · Fax: (01293) 573999 · Telex: 878753

CIVIL AVIATION AUTHORITY

25

WITH COMPLIMENTS

Section 40 [redacted]

SAFETY REGULATION GROUP

Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

Direct Dial Section 40
Direct Fax

CIVIL AVIATION AUTHORITY

Our ref 10MG/03/01/01 - 155

9 May 2000

Section 40

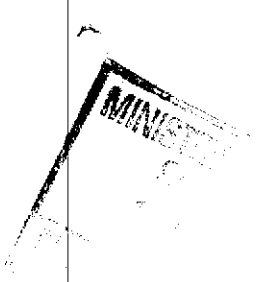
Dear Section 40

Further to my letter of 20 April 2000 I am now able to confirm that, where reports concerning UFOs have been passed to the Ministry of Defence, this has been to (AS)2, Main Building, Whitehall.

Unfortunately however we have no record of which reports were passed to the MoD out of the 12 since 1995 which have been given a UFO code. It must be borne in mind that this coding is only allocated to records on our system to allow retrieval if more information comes to hand, and should not be regarded as definitive. I have attached details of the records.

The Safety Data Department is resourced to provide safety data to aviation agencies, the aviation industry and persons who carry out flight safety tasks on behalf of the industry. This means that it cannot respond to ad hoc requests for aviation data or analysis which fall outside this remit. On this occasion we have provided as much information as we have available and have decided to waive the proposed charge. However, we feel that there is nothing more that we can do to assist you in this matter.

Yours sincerely



Section 40

Section 40

Corporate Affairs

bcc Section 40
Head of SEC (AS) 2
Section 40
Ministry of Defence
LONDON
SW1A 2HB

PubRel Report

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
09.03.1995	Unknown	KHARTOUM	Cruise	**199501024**

Foreign Occurrence : Whilst B757 was cruising at FL330 two passengers reported seeing flying objects/bright lights.

The a/c was flying southbound on airway UA10 when a passenger reported seeing something that looked like a firework rocket in an upward trajectory. The object reached the same level as the a/c and then burnt out with a shower of bright sparks. Occ will be "opened" for CAA investigation if supplementary info so warrants.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
17.06.1996	Unknown	WARWICK	Not Applicable	**199602532**

ATC Occurrence : Crew saw bright dayglo object pass in close proximity to a/c whilst passing FL80.

Object passed down a/c's RH side. Possible large kite or partially deflated balloon. Incident reported to ATC but nothing showing on radar.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
11.03.1997	Unknown	WAL-LYNAS	Not Applicable	**199701145**

ATC Occurrence : A/c reported being passed close in proximity by an a/c, displaying nav lights, whilst at FL290.

No a/c indicated on LATCC radars.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
18.04.1997	B737	GOLES	Cruise	**199702022**

ATC Occurrence : Pilot reported sighting an unidentified a/c at FL370. The unidentified a/c was not showing on radar.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
13.06.1997	Cessna 421 Golden Eagle	ROLAMPONTVOR	Cruise	**199702943**

Other Occurrence : LH windscreen struck by unidentified object in cruise at FL180. Outer layer of windshield shattered, obscuring P1 vision.

Differential pressure reduced to minimum & flight continued to destination.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
27.07.1997	B747	IKTAV	Cruise	**199704356**

Other Occurrence : A/c in close proximity to debris from space (meteorite ?).

Bright flash close to a/c illuminated the flight deck. Large glowing object then observed, falling rapidly on a relative bearing of 030degs, range indeterminate with shallow trajectory. Object disintegrated at approximately a/c's cruising level.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
06.11.1997	BAE ATP	TLA 30N	Cruise	**199705960**

Other Occurrence : Unknown object passed down RHS of a/c at 17000ft.

ATC confirmed nothing seen on radar & no weather balloons released in vicinity.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
09.06.1998	MD-80 Srs	LONDON LHR	Climb	**199803283**

UK Airprox(P) : MD81 and unidentified flying object. Subject of JAS investigation.

Described by reporter as an illuminated metallic grey object, in & out of cloud, passing slightly above and 30-50metres away. No known traffic in area and no radar returns.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
03.02.1999	Not Applicable	RAMME 58W	Cruise	**199900648**

Other Occurrence : Unidentified bright light below BAe146 at FL280.

Area below a/c illuminated for 10 seconds by incandescent light which was not considered by reporter to be an a/c landing light. Reporter stated three other a/c reported seeing it moving at high speed or static. ATC informed but they reported no other a/c in vicinity. Five minutes later a radar return was present at 75miles on weather radar. Atmosphere reported as stable and no other a/c were in vicinity.

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Traffic was not seen on radar by any of the relevant ATC units & no military a/c were known to be in the area.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
18.01.2000	A320	London-Heathrow - LHR	Descent	**200000294**

Pilot of A320 reported taken avoiding action on unidentified a/c - no contacts observed on radar.

Two bright white wing lights and a dark shadow in between them (like an airliner/transport aircraft shape) were spotted through the captain's LH sliding window, flying straight towards except for the last one or two seconds as the lights appeared to descend and the A320 pilot banked to the right to avoid it. Both the unidentified aircraft and the A320

entered a cloud layer shortly afterwards and contact was lost. - despite a call to ATC, no contacts observed on radar at the time or found subsequently on the recordings.

****

Date:	A/C Type:	Location:	Flt Phase:	Occ Num:
10.02.2000	MD-80 Srs	GORLO	Cruise	**200000766**

Pilot reported seeing a "small, red object going fast down his right hand side". Reporter's a/c was cruising at FL270.

Pilot also stated that this was his third recent occurrence of this type. Nothing observed on radar. He also later stated that it may have been a balloon

File Note

D/Sec(AS)/64/1 Section 40 [redacted]
April
14 ~~March~~ 2000

Section 40 [redacted]

1. Section 40 [redacted] rang this afternoon (14 March) about 16.00 hours to offer details of the 'official' information he has been given about UFO sighting reports not included in the our response to him following his appeal to the Ombudsman. I declined to take any information over the 'phone requesting instead that he put the details in writing, copying it to all those he included in his previous letters. This he agreed to do.

Section 40 [redacted]

Sec(AS)2

From: Section 40 Secretariat (Air Staff)2
MINISTRY OF DEFENCE
Room 8247, Main Building, Whitehall, London, SW1A 2HB

Telephone (Direct dial) Section 40
(Switchboard) 0171 218 9000
(Fax) Section 40

23

Section 40

Your Reference

Our Reference
D/Sec(AS)/64/3/1
Date
10 April 2000

Dear Section 40

Thank you for your letter of 29 March enclosing a cheque for £60.

As you know, Secretariat(Air Staff)2 is the Departmental focal point for any reports of alleged sightings of 'UFOs'. I should wish to assure you that the search of the files was very thorough and the information provided with my letter of 23 March was all that we had that met the agreed criteria.

You say that you have information from '*other official sources*' that the material supplied was '*by no means complete*'. If you could let me have this information I should, of course, be happy to make further enquiries.

Yours sincerely,

Section 40

Hidden Copy:

APS/USofS)
APS/PUS)
DOMD) Connect with my D/Sec(AS)/64/3/1 of 23 March 2000
DCC RAF)
AO/AD1 – ADGE1)
D News RAF)

The Office of the Ombudsman [redacted]

Section 40

[Tel. Section 40

29 March, 2000

Section 40

Sec. (Air Staff) 2a
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB

Dear Section 40

Thank you for your Departmental letters of 21st March from Section 40 and your own letter of the 23rd March. I am truly grateful for the information around the two incidents mentioned especially bearing in mind the number of files that had to be shifted through.

Whilst I know your Department put a lot of effort into this search, I understand from other official sources *and documented evidence* that the list of incidents reported to the MoD meeting the agreed criteria (ref A.7/00 of 29 February, Paragraph 9) as supplied by yourselves is by no means complete. A Whitehall source also reliably informed me that some of the agreed information was processed at Abbey Wood in Bristol (I was actually quite surprised that no military reports had been forthcoming!).

I have copied this letter to the Permanent Secretary, the Ombudsman and my MP to keep everyone up to speed and I have every confidence that the remainder of the agreed information will be supplied. As an act of good faith, please find enclosed a cheque for £60.00 as agreed.

Once again, I am most grateful for the assistance and the co-operation that has come so far from the MoD. I look forward to receiving the remainder of the agreed abstracts.

Yours Sincerely

Section 40

Section 40

SEC(AS)2

[redacted]m: SEC(AS)2
Sent: 10 April 2000 12:51
Cc: USofS/Mailbox; APS/PUS; DOMD; DCC(RAF); ADGE1; D News RAF
Subject: Ombudsman Case [redacted] Section 40

Please see attached (original signed).

[redacted] Section 40 has written to say that he understands '*from other official sources and documented evidence that the list of incidents reported*' to him in my letter of 23 March is incomplete. He goes on to say '*a Whitehall source also reliably informed me that some of the agreed information was processed at Abbey Wood in Bristol*'. There is nothing on file to substantiate his claims.

[redacted] Section 40

For DOMD - Do I forward [redacted] Section 40 cheque to you for processing?

[redacted] Section 40

Midland Bank
HIGH STREET

Section 40

Section 40

Dyddiad
Date 30th March 8

TALER
PAY The Accounting Officer,
Ministry of Defence Sixty
pounds

£60—00

Section 40

CYFRIF Y TALWR
A/C PAYEE

DE LA RUE 5514

221298

"100478"

Section 40

SEC(AS)2

From: OMD/AD(E+MG)
Sent: 10 April 2000 14:10
To: SEC(AS)2
Subject: RE: Ombudsman Case Section 40

Section 40

Just pass the cheque to your own finance people to do the necessary.

Best wishes,

Section 40

-----Original Message-----
From: OMD14
Sent: 10 April 2000 14:05
To: OMD/AD(E+MG)
Subject: FW: Ombudsman Case Section 40

Section 40

Have you seen this?

Section 40

-----Original Message-----
From: PS/DOMD
Sent: 10 April 2000 12:51
To: OMD14
Subject: FW: Ombudsman Case - Section 40

From: DOMD
Sent: Monday, April 10, 2000 12:51:00 PM
To: PS/DOMD
Subject: FW: Ombudsman Case - Section 40
Auto forwarded by a Rule

From: SEC(AS)2
Sent: Monday, April 10, 2000 12:50:59 PM
Cc: USofS/Mailbox; APS/PUS; DOMD; DCC(RAF); ADGE1; D News RAF
Subject: Ombudsman Case - Section 40
Auto forwarded by a Rule

Please see attached (original signed).

Section 40 has written to say that he understands '*from other official sources and documented evidence that the list of incidents reported*' to him in my letter of 23 March is incomplete. He goes on to say '*a Whitehall source also reliably informed me that some of the agreed information was processed at Abbey Wood in Bristol*'. There is nothing on file to substantiate his claims.

Section 40

For DOMD - Do I forward Section 40 cheque to you for processing?

<< File: Section 40 >>

SEC(AS)2

From: OMD14
Sent: 24 March 2000 13:55
To: SEC(AS)2
Subject: RE: Section 40

file

22

Quite right, I just meant the reply to Section 40

Hope you have a nice weekend.

-----Original Message-----
From: SEC(AS)2
Sent: 24 March 2000 13:52
To: OMD14
Subject: RE: Section 40
Importance: High

Section 40
We sent the Ombudsman's office a copy of what went to Section 40 ie the letter and reports attached to it.

We have not sent them a copy of the Newsbrief - they do not need to know what we briefed our Press Officers to say.

Section 40

-----Original Message-----
From: OMD14
Sent: 24 March 2000 11:14
To: SEC(AS)2
Cc: OMD/AD(E+MG)
Subject: Section 40

Section 40

I've just seen your news brief and reply to Section 40 and I just wanted to check, has a copy of your reply been sent to the Ombudsman?

Section 40

Section 40

Section 40
OMD14
Section 40

From: Section 40 Secretariat (Air Staff)2
MINISTRY OF DEFENCE
Room 8247, Main Building, Whitehall, London, SW1A 2HB

Telephone (Direct dial) Section 40
(Switchboard) 0171 218 9000
(Fax) Section 40

21

Section 40

Your Reference

Our Reference
D/Sec(AS)/64/3/1

Date
23 March 2000

Dear Section 40

I am responding to your request for abstracts from sighting reports from commercial pilots, military pilots and radar personnel for the period 01.00 hours 28 July 1998 to 01.00 hours 28 July 1999 as set out in the letter from the Ombudsman to Ieuan Wyn Jones MP (reference A.7/00 of 29 February)

I should say at the outset that there is no requirement for anyone reporting an alleged sighting to MOD to provide details of any category of information including occupation. Where reports are made they are often very sketchy and vague. However, we have now reviewed all the reports received over the 12 months in question in this office. Two sightings were received during the period specified above with sufficient information to substantiate the occupation of the witness as one of those requested. Although you asked only for abstracts we felt that it would be more helpful to give you photocopies of the actual reports as we received them. As you will see, details have been deleted in order to protect the confidentiality of the witnesses concerned.

As you know, the MOD has only a very limited interest in alleged sightings of 'unidentified flying objects' which is to establish from sighting reports whether what was seen might have some defence significance. We look to see whether there is any evidence that the integrity of the UK Air Defence region has been breached by any hostile or unauthorized foreign military activity. With this requirement in mind, the conclusions reached in respect of each report were as follows:

Report No. 1 was received on 20 November 1998 and concerned a sighting on 19 November 1998 by a commercial pilot, reported to be of an object travelling fast and showing a very bright strobe light. MOD concluded that there was no unusual activity to substantiate an incident of any defence concern.

Report No. 2 was received on 15 February 1999 (page 2 is incorrectly dated) and concerned an apparent radar contact that day by an air traffic controller in Scotland. MOD found that there was no Air Defence activity (routine or Quick Reaction Alert) or exercises involving RAF Air Defence units during the period. Radar investigations were made but recorded radar data displays did not support the contact reported. In the circumstances MOD found nothing to substantiate an incident of any defence concern.

Hidden Copy to. Section 40
Office of the Parliamentary Commissioner for Administration

I can confirm that no other reported sightings were found during the search to match the three categories specified in your request.

Because of the time needed to examine a number of files and check the details of hundreds of enclosures the cost of the search amounted to £60. I should be grateful if you would now send a cheque for this amount payable to: *The Accounting Officer, Ministry of Defence* to the above address.

Yours sincerely

Section 40

[redacted]

Not for Civil Use

Precedence	DTG	Message Instructions	Date Stamp
Action / Information			

Priority Indicator	Address
	A TRDA [redacted]
	FM [redacted]
Date and time of filing	Origin

REPORT No. 1

(A) 19.5. 1910 — 05 MNS.

1 OBJECT. VERY BRIGHT STROBE LIGHT STROBE 1 EVERY 20 SECONDS.

(B) C IN [redacted] NORTH NITON. HEADING TOWARDS ROLLHILL OBJECT HEADING NORTH HIGH LEVEL. DISAPPEARED INTO HORIZON. IN 5 MINS. CHECKED WITH [redacted] CONTROL [redacted] SHOWN ON RADAR.

D. NAKED EYE

E W/C HEADING NORTH OBJECT DUE NORTH OF A/C

F. TOBER 358. FM HORIZON.

G U/K

H. VERY HIGH SPEED.

I CLEAR

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TOR (Incoming messages)	TOD (Outgoing messages)	Copy distribution	Signature of Originator
			Office of Origin
Operator's Identification			Telephone No. Extension No.

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MESSAGE FORM — REDACTION ON ORIGINAL DOCUMENT

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Precedence	DTG	Message Instructions	Date Stamp
Action			
Information			
Priority Indicator	Address		
Date and time of filing	Origin		

TEXT

K N/A

L. REDACTION ON ORIGINAL DOCUMENT

M. REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

N. [redacted] CPT.

O REDACTION ON ORIGINAL DOCUMENT

P REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

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TDR (Incoming messages)	TOO (Outgoing messages)	Copy distribution	Signature of Originator
			Office of Origin
Operator's Identification			Telephone No. Extension No.

REDACTION ON ORIGINAL DOCUMENT

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REDACTION ON ORIGINAL DOCUMENT

To: [redacted]
SEC (AD)2, 2nd Main Building, Whitehall
London SW1A 2HB

ENCLOSURE NUMBER 7

AUTHORISING OFFICER [redacted]

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

RANK, NAME & APPOINTMENT: [redacted]

REDACTION ON ORIGINAL DOCUMENT

SIGNATURE: [redacted]

REDACTION ON ORIGINAL DOCUMENT

ORIGINATOR [redacted]

RANK/GRADE & NAME: [redacted]

REPORT No. 2.

REDACTION ON ORIGINAL DOCUMENT

SIGNATURE: [redacted]

A	DATE: 15 FEB 99.	TIME: 1025 Z	DURATION OF SIGHTING:	1-2 MINS
B	DESCRIPTION OF OBJECT: Number PRIMARY RADAR CONTACT Size 10 MILES WIDE Shape Colour Brightness TRAVELLING V. QUICK Sound? ABOUT 2 MILES LONG		Smell? Other REDACTION ON ORIGINAL DOCUMENT [redacted] REDACTION ON ORIGINAL DOCUMENT	
C	EXACT POSITION OF OBSERVER: Geographical location: [redacted] REDACTION ON ORIGINAL DOCUMENT Indoors/Outdoors/Stationary/Moving			
D	HOW OBJECT WAS OBSERVED: Naked eye/Binoculars/Camera/Video camera ON RADAR.			
E	DIRECTION IN WHICH OBJECT WAS FIRST SEEN: (A landmark may be useful) TRM VOR HEADING -SW TOWARDS BELFAST.			
F	ANGLE OF SIGHT: —			
G	DISTANCE (By reference to a known landmark if possible): —			
H	MOVEMENT OF OBJECT: 50 MILES IN ROUGHLY 1 MINUTE.			
J	MET CONDITIONS DURING OBSERVATION (Moving clouds, mist, haze etc): —			
K	NEARBY OBJECTS OR BUILDINGS: —			
L	TO WHOM REPORTED: Press: Police: Military Organisation: [redacted] REDACTION ON ORIGINAL DOCUMENT Airport: Other:			
M	INFORMANTS' DETAILS: Name: [redacted] Address: REDACTION ON ORIGINAL DOCUMENT [redacted]			
N	ANY BACKGROUND OF THE INFORMANT THAT MAY BE VOLUNTEERED: —			
O	OTHER WITNESS? —			
P	DATE/TIME OF REPORT: 15 FEB 99 1030Z.			

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

ENCLOSURE NUMBER

A. Date, Time Duration of Sighting. 09582. 15/2/98. Approx 2 mins.

B. Description of Object Primary Radar Return Approx 10nm at widest point a approx 2nm in length with two x-planes

C. Exact Position of Observer REDACTION ON ORIGINAL DOCUMENT

D. How Observed On Radar REDACTION ON ORIGINAL DOCUMENT

E. Direction in which Object was first seen Turnberry Coasting.

F. Angular Elevation of Object UNKNOWN.

G. Distance of Object from Observer N/A.

H. Movements of Object South Westerly very fast. Est. 1000 kts.

J. Meteorological Conditions During Observations. 230 knots.
Moving Clouds, Haze, mist etc 20 KM NIL NX
FEW 600 / SCT 1800.

K. Nearby Objects N/A.

L. To Whom Reported. N/A

M. Name and Address of Informant. REDACTION ON ORIGINAL DOCUMENT

N. Any Background Information on the Informant that may be Volunteered. SATCO

O. Other Witnesses REDACTION ON ORIGINAL DOCUMENT

P. Date & Time of Receipt of Report As Section A.

Loose Minute

20

D/Sec(AS)/64/3/1

23 March 2000

D News RAF

Copy to:

APS/USofS
APS/PUS
DOMD
DCC RAF
AO/AD1 – ADGE1

OMBUDSMANS CASE Section 40 AND RELEASE OF INFORMATION ON 'UFOs'

1. I attach a copy of a letter sent today to Section 40 following an appeal via his MP, Ieuan Wyn Jones, to the Ombudsman about MOD's policy on UFOs and refusal to release information from sighting reports.

2. The Ombudsman commended MOD on the way it had handled Section 40 correspondence saying that we had done so in full accordance with the Code. Nonetheless, we agreed as a gesture of goodwill to make available to Section 40 information from sighting reports in the categories requested and for the twelve-month period specified.

3. Section 40 is likely to publish the letter and attachments on the Internet and some media interest may follow. A news brief is also attached to deal with any inquiries.

Section 40

Section 40

Sec(AS)2

Section 40

NEWS BRIEF

DTG: 23 MARCH 2000

SUBJECT: RELEASE OF INFORMATION ON 'UFOs'

SOURCE: Branch: Sec(AS)2: Section 40 Tel: Section 40

PRESS OFFICER: Section 40 D News RAF

BACKGROUND

The Ombudsman recently commended MOD's handling of correspondence (some 35 letters) with a committed ufologist Section 40 following an appeal from him via his MP, Ieuan Wyn Jones, that MOD had refused his request to release information in accordance with the Code.

KEY MESSAGE

MOD has only a very limited interest in alleged sightings of 'unidentified flying objects' which is to establish from reports provided whether what was seen might have some defence significance.

KEY POINTS

* The Ombudsman commended MOD's handling of Section 40 correspondence saying that they had done so in full accordance with the Code of Practice on the Release of Information.

* The Ombudsman supported MOD's decision not to provide an opinion now on policy statements made 40-50 years ago about MOD's interest then in 'UFOs', particularly as all the available information relating to the statements is in the public domain..

* The Ombudsman rejected Section 40 complaint that MOD had not provided an adequate response to his request for a statement on MOD's present policy on 'UFOs'.

* The Ombudsman supported MOD's judgement that the request for sighting reports (from commercial pilots, military pilots and radar personnel) from 28 July 98-28 July 99 could reasonably have been withheld under Exemption 9 of the Code (voluminous or vexatious requests). The Ombudsman very much welcomed MOD's decision nonetheless to make this information available.

* The search for any reports meeting the criteria required scrutiny of proformae, letters etc, held on six manual files (over 500 enclosures).

* Only two reports were found to meet the criteria; one from a commercial pilot and one from an air traffic controller.

* MOD's conclusion in respect of each report was that there was nothing to substantiate an incident of defence concern.

SUBSIDIARY POINTS

* Section 40 requested:

(a) that MOD agree with his interpretation of information held at the Public Record Office for 1950s-1960s in respect of alleged 'UFO' incidents and MOD policy at that time.

(b) that MOD confirm whether it was policy now to play down the significance of 'UFOs'.

(c) that MOD provide abstracts from all 'UFO' reports from commercial pilots, military pilots and radar personnel between 01.00 hrs 28 Jul 98 and 01.00 hrs 28 Jul 99 giving details of estimated sizes, shapes, speeds and unusual flight patterns of the craft, and the conclusions reached by MOD in each case.

* As a gesture of goodwill MOD agreed to (c), estimating a charge of £150 but, as a further gesture of goodwill, agreed to abate the cost to a maximum of £75.

Section 40 was provided with the information in a letter of 23 March 2000.

From: Section 40 Secretariat (Air Staff)2
MINISTRY OF DEFENCE
Room 8247, Main Building, Whitehall, London, SW1A 2HB

Telephone (Direct dial) Section 40
(Switchboard) 0171 218 9000
(Fax) Section 40

Section 40

Your Reference

Our Reference
D/Sec(AS)/64/3/1
Date
23 March 2000

Dear Section 40

I am responding to your request for abstracts from sighting reports from commercial pilots, military pilots and radar personnel for the period 01.00 hours 28 July 1998 to 01.00 hours 28 July 1999 as set out in the letter from the Ombudsman to Ieuan Wyn Jones MP (reference A.7/00 of 29 February)

I should say at the outset that there is no requirement for anyone reporting an alleged sighting to MOD to provide details of any category of information including occupation. Where reports are made they are often very sketchy and vague. However, we have now reviewed all the reports received over the 12 months in question in this office. Two sightings were received during the period specified above with sufficient information to substantiate the occupation of the witness as one of those requested. Although you asked only for abstracts we felt that it would be more helpful to give you photocopies of the actual reports as we received them. As you will see, details have been deleted in order to protect the confidentiality of the witnesses concerned.

As you know, the MOD has only a very limited interest in alleged sightings of 'unidentified flying objects' which is to establish from sighting reports whether what was seen might have some defence significance. We look to see whether there is any evidence that the integrity of the UK Air Defence region has been breached by any hostile or unauthorized foreign military activity. With this requirement in mind, the conclusions reached in respect of each report were as follows:

Report No. 1 was received on 20 November 1998 and concerned a sighting on 19 November 1998 by a commercial pilot, reported to be of an object travelling fast and showing a very bright strobe light. MOD concluded that there was no unusual activity to substantiate an incident of any defence concern.

Report No. 2 was received on 15 February 1999 (page 2 is incorrectly dated) and concerned an apparent radar contact that day by an air traffic controller in Scotland. MOD found that there was no Air Defence activity (routine or Quick Reaction Alert) or exercises involving RAF Air Defence units during the period. Radar investigations were made but recorded radar data displays did not support the contact reported. In the circumstances MOD found nothing to substantiate an incident of any defence concern.

I can confirm that no other reported sightings were found during the search to match the three categories specified in your request.

Because of the time needed to examine a number of files and check the details of hundreds of enclosures the cost of the search amounted to £60. I should be grateful if you would now send a cheque for this amount payable to: *The Accounting Officer, Ministry of Defence* to the above address.

Yours sincerely

Section 40

[redacted]

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Precedence	DTG	Message Instructions	Date Stamp
Action / Information			

Priority Indicator	Address
	ATTN REDACTION ON ORIGINAL DOCUMENT
	FM REDACTION ON ORIGINAL DOCUMENT
Date and time of filing	Origin

REPORT No. 1

TEXT A) 19 APR 1910 — 05 MINS.

1 OBJECT. VERY BRIGHT STROBE LIGHT STROBE 1 EVERY 20 SECONDS.

B. C) IN A REDACTION ON ORIGINAL DOCUMENT NORTH NITON. HEADING TOWARDS ROCHILL OBJECT HEADING NORTH HIGH LEVEL. DISAPPEARED INTO HORIZON. IN 5 MINS. CHECKED WITH REDACTION ON ORIGINAL DOCUMENT CONTROL NOTHING SHOWN ON RADAR.

D. NAKED EYE

E W/C HEADING NORTH OBJECT DUE NORTH OF A/C

F. TOPSECRET. FM HORIZON.

G U/K

H. VERY HIGH SPEED.

I CLEAR

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Operator's Identification			Telephone No. Extension No.

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Action			
Information			
Priority Indicator	Address		
Date and time of filing	Origin		

TEXT

K N/A

L. REDACTION ON ORIGINAL DOCUMENT

M. REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

N. AURMC CPT

O REDACTION ON ORIGINAL DOCUMENT

P REDACTION ON ORIGINAL DOCUMENT

Section 40 REDACTION ON ORIGINAL DOCUMENT

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Operator's Identification			Telephone No. Extension No.

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REDACTION ON ORIGINAL DOCUMENT

From: [redacted]

REDACTION ON ORIGINAL DOCUMENT

REDACTION ON ORIGINAL DOCUMENT

To:
SEC (AB)2, MOD Main Building, Whitehall
London SW1A 2HB
[redacted]

ENCLOSURE 7 NUMBER

AUTHORISING OFFICER [redacted]

REDACTION ON ORIGINAL DOCUMENT

TRANSMISSION OPERATOR: [redacted]

REDACTION ON ORIGINAL DOCUMENT

RANK, NAME & APPOINTMENT [redacted]

RANK/GRADE & NAME: [redacted]

REPORT No. 2.

SIGNATURE: [redacted]

REDACTION ON ORIGINAL DOCUMENT

SIGNATURE: [redacted]

A	DATE: 15 Feb 99.	TIME: 1025 Z	DURATION OF SIGHTING:	1-2 MINS
B	DESCRIPTION OF OBJECT: Number PRIMARY RADAR CONTACT Size 10 MILES WIDE Shape Colour Brightness TRAVELLING V. QUICK Sound? ABOUT 2 MINS LONG		Smell? Other [redacted]	REDACTION ON ORIGINAL DOCUMENT REDACTION ON ORIGINAL DOCUMENT
C	EXACT POSITION OF OBSERVER: Geographical location: [redacted] Indoors/Outdoors/Stationary/Moving			REDACTION ON ORIGINAL DOCUMENT
D	HOW OBJECT WAS OBSERVED: Naked eye/Binoculars/Camera/Video camera ON RADAR.			
E	DIRECTION IN WHICH OBJECT WAS FIRST SEEN: (A landmark may be useful) TRM VOR HEADING -SW TOWARDS BELFAST.			
F	ANGLE OF SIGHT: —			
G	DISTANCE (By reference to a known landmark if possible): —			
H	MOVEMENT OF OBJECT: 5 MILES IN ROUGHLY 1 MINUTE.			
J	MET CONDITIONS DURING OBSERVATION (Moving clouds, mist, haze etc): —			
K	NEARBY OBJECTS OR BUILDINGS: —			
L	TO WHOM REPORTED: Press: Police: [redacted] Military Organisation: Airport: Other:			REDACTION ON ORIGINAL DOCUMENT
M	INFORMANTS' DETAILS: Name: [redacted] Address: [redacted]			REDACTION ON ORIGINAL DOCUMENT
N	ANY BACKGROUND OF THE INFORMANT THAT MAY BE VOLUNTEERED: —			
O	OTHER WITNESS? —			
P	DATE/TIME OF REPORT: 15 Feb 99 1030Z.			

REDACTION ON ORIGINAL DOCUMENT

[redacted]

REDACTION ON ORIGINAL DOCUMENT

[redacted]

REDACTION ON ORIGINAL DOCUMENT

[redacted]

ENCLOSURE NUMBER

A. Date, Time Duration of Sighting. 09582, 15/2/98. Approx 2 mins.

B. Description of Object Primary Radar Return Approx 10nm at widest point
approx 2nm in length with two x-planes

C. Exact Position of Observer [redacted]

REDACTION ON ORIGINAL DOCUMENT

D. How Observed On Radar

REDACTION ON ORIGINAL DOCUMENT

E. Direction in which Object was first seen Turnberry Coasting.

F. Angular Elevation of Object Unknown.

G. Distance of Object from Observer N/A.

H. Movements of Object South Westerly very fast. Est. 1000 kts.

J. Meteorological Conditions During Observations. 230 10kts.
Moving Clouds, Haze, mist etc 20 km NIL NX
FEW 800 / SCT 1800.

K. Nearby Objects N/A.

L. To Whom Reported. N/A

M. Name and Address of Informant. [redacted]

REDACTION ON ORIGINAL DOCUMENT

N. Any Background Information on the Informant that may be Volunteered [redacted]

REDACTION ON ORIGINAL DOCUMENT

O. Other Witnesses [redacted]

REDACTION ON ORIGINAL DOCUMENT

P. Date & Time of Receipt of Report As Section A.

(259)

23/7 Sir,

I trust you will be able to assist to ensure there are no misunderstandings

Section 40

Section 40

15/3/00

19

Section 40

Section 40

Section 40

P.S. Would you wish all the best from me in her new promotion.

Section 40

will be touched)

Section 40

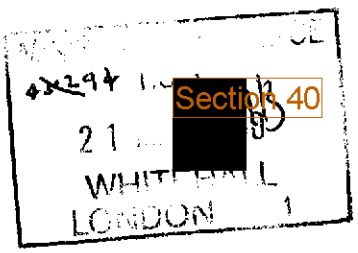
Section 40

[Tel. Section 40

15 March, 2000

Section 40

Sec. (Air Staff) 2a
Room 8245
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB



① Copy as before.

② DOMD - Please deal.

Section 40

Your Ref: D/Sec (AS)/64/3/1

Dear Section 40

Thank you for your letter of the 13th March . May I respectfully point out that the agreement was **not** for reported sightings by the public of unidentified flying objects but for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999.

Paragraph 9 of the Ombudsman's letter to my MP dated 29th February stated quite categorically that *the Permanent Secretary had asked the responsible division within the Department to make the information available with regard to the narrower request for specific information regarding UFO sightings between 28th July 1998 and 28th July 1999.*

SoC: Case No: A.7/00, Page 2 to 3, Item 5 defines the specific information requested as *Abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999. Details required.-*

1. *Estimated sizes, shapes and speeds*
2. *Unusual Flight Patterns*
3. *Conclusions reached*

I understand from historical records that there are other Departments within the MoD who have dealings within this particular field. I have copied this letter to the Permanent Secretary, the Ombudsman and my MP to keep everyone up to speed. I apologise if I have sent the cheque to the wrong Division; however, I trust that between yourselves and the Permanent Secretary you will be able to inform the appropriate Division of my agreement to pay the agreed fee for the agreed information.

Yours Sincerely

Section 40

APS/SofS
PS/USofS
PS/2nd PUS
PS/PUS (CH)
DGMO

Hd Sec (AS)
D News
Hd of DR.

FILE

From: Section 40 Secretariat(Air Staff)2a, Room 8245
MINISTRY OF DEFENCE
Main Building, Whitehall, London, SW1A 2HB

Telephone (Direct dial) 0171 218 2140
(Switchboard) 0171 218 9000
(Fax) Section 40

Section 40

Your Reference

Our Reference
D/Sec(AS)/64/3/1
Date
13 March 2000

Dear Section 40

Thank you for your letter of 4 March addressed to Section 40 You have confirmed that you wish the Department to carry out a search of reported sightings by the public of 'unidentified flying objects' for the period 01.00 hours 28 July 1998 to 01.00 hours 28 July 1999, and enclose a cheque for £75. I am replying as Section 40 has moved on promotion to another Division in the Ministry of Defence.

The letter from the Ombudsman to Ieuan Wyn Jones MP explained (paragraph 10), that MOD's charge for the work would be a maximum of £75. As soon as the work is completed I shall write again to provide details of the cost involved. Your cheque is returned herewith.

Yours sincerely

Section 40

18

From: Section 40 SEC(AS)2A1
MINISTRY OF DEFENCE
Room 8245, Main Building, Whitehall, London, SW1A 2HB

Telephone (Direct dial) 0171 218 2140
(Switchboard) 0171 218 9000
(Fax)
(GTN) Section 40

Section 40

Your Reference

Our Reference
D/Sec(AS)64/3/1
Date
21 March 2000

Dear Section 40

Thank you for your letter of 15 March addressed to my colleague, Section 40

You are, of course, correct. I can assure you that the search of reported sightings from 0100 hours 28 July 1998 to 0100 hours 28 July 1999 being carried out is to identify any reports from commercial pilots, military pilots and radar personnel and provide details as agreed in the letter from the Ombudsman (reference A.7/00 of 29 February, paragraph 9) to Iuean Wyn Jones MP.

I am sorry for any confusion that has been caused. I can further assure you that the charges to be levied at the end of the work will relate only to this specific task. Details of the cost involved will be provided as soon as possible.

Yours sincerely,

Section 40

Hidden Copy: Section 40
The Parliamentary Ombudsman

Copy faxed to Section 40 - OMD/ADC(E+MG)

17

Section 40
[Tel. Section 40

15 March, 2000

Section 40
Sec. (Air Staff) 2a
Room 8245
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB

Your Ref: D/Sec (AS)/64/3/1

Dear Section 40

Thank you for your letter of the 13th March . May I respectfully point out that the agreement was **not** for reported sightings by the public of unidentified flying objects but for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999.

Paragraph 9 of the Ombudsman's letter to my MP dated 29th February stated quite categorically that *the Permanent Secretary had asked the responsible division within the Department to make the information available with regard to the narrower request for specific information regarding UFO sightings between 28th July 1998 and 28th July 1999.*

SoC: Case No: A.7/00, Page 2 to 3, Item 5 defines the specific information requested as *Abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999. Details required.-*

1. *Estimated sizes, shapes and speeds*
2. *Unusual Flight Patterns*
3. *Conclusions reached*

I understand from historical records that there are other Departments within the MoD who have dealings within this particular field. I have copied this letter to the Permanent Secretary, the Ombudsman and my MP to keep everyone up to speed. I apologise if I have sent the cheque to the wrong Division; however, I trust that between yourselves and the Permanent Secretary you will be able to inform the appropriate Division of my agreement to pay the agreed fee for the agreed information.

Yours Sincerely

Section 40

Section 40 [redacted]

Sec. (Air Staff) 2a
Room 8245
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB

16

From Section 40 Secretariat(Air Staff)2a, Room 8245
MINISTRY OF DEFENCE
Main Building, Whitehall, London, SW1A 2HB

Telephone (Direct dial) 0171 218 2140
(Switchboard) 0171 218 9000
(Fax) Section 40

Section 40

Your Reference

Our Reference
D/Sec(AS)/64/3/1
Date
13 March 2000

Dear Section 40

Thank you for your letter of 4 March, attached addressed to Section 40 You have confirmed that you wish the Department to carry out a search of reported sightings by the public of 'unidentified flying objects' for the period 01.00 hours 28 July 1998 to 01.00 hours 28 July 1999, and enclose a cheque for £75. I am replying as Section 40 has moved on promotion to another Division in the Ministry of Defence.

The letter from the Ombudsman to Ieuan Wyn Jones MP explained (paragraph 10), that MOD's charge for the work would be a maximum of £75. As soon as the work is completed I shall write again to provide details of the cost involved. Your cheque is returned herewith.

Yours sincerely
Section 40

Hidden Copy to OMD14 attached

LOOSE MINUTE

D/Sec(AS)/64/3/1

13 March 2000

OMD 14

LETTER TO Section 40 [redacted] CONCERNING PARLIAMENTARY OMBUDSMAN CASE

Ref: D/PUS/23/7(1514)

A copy of Section 40 [redacted] letter is attached. Section 40 [redacted] discussed the return of the cheque with you this morning. She has asked me to mention that Section 40 [redacted] has expanded his request to include 'Any additional information .....'. It may be possible to provide this further information without too much difficulty – much will depend on the amount and type of material involved. Section 40 will be in touch as soon as she has searched the files to discuss the way forward (including the press release).

Yours sincerely

Section 40 [redacted]

Thank you for your letter of 4 March addressed to Section 40 You have confirmed that you wish the Department to carry out a search of reported sightings by the public of 'unidentified flying objects' for the period 01.00 hours 28 July 1998 to 01.00 hours 28 July 1999, and enclose a cheque for £75. I am replying as Section 40 has moved on promotion to another Division in the Ministry of Defence.

The letter from the Ombudsman to Ieuan Wyn Jones MP explained (paragraph 10), that MOD's charge for the work would be a maximum of £75. As soon as the work is completed I shall write again to provide details of the cost involved. Your cheque is returned herewith.

Steve – a hidden copy to OMD 14 saying to them only

A copy of Section 40 letter is attached. Section 40 discussed the return of the cheque with you this morning. She has asked me to mention tha Section 40 has expanded his request to include 'Any additional information …….'. It may be possible to provide this further information without too much difficulty – much will depend on the amount and type of material involved. Section 40 be in touch as soon as she has searched the files to discuss the way forward (including the press release).

Section 40

[Tel Section 40

4 March, 2000

Section 40

Sec. (Air Staff) 2a1
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB

Dear Section 40

I am grateful to the Permanent Secretary of Defence for agreeing with the Parliamentary Ombudsman to furnish me with abstracts from all unidentified flying object reports specifically from commercial pilots, military pilots and radar personnel specifically witnessed between 0100 Hrs 28th July 1998 and 0100 Hrs 28th July 1999.

As you may recall from earlier correspondence, in the abstracts, I would specifically like to see

1. Estimated sizes, shapes and speeds of unidentified flying objects
2. Unusual Flight Patterns of unidentified flying objects
3. Conclusions reached by MoD on unidentified flying objects reported in the time frame.

Any additional information such as locations would also be welcome.

Please find enclosed a cheque for £75 to cover the agreed fee.

Yours Sincerely

Section 40

Section 40 [redacted]

Sec (Air Staff) 2a1

Ministry of Defence

Main Building

Whitehall

London

SW1A 2HB

23/7

205

1 Copy as before 15

2 file

Section 40

Wood.

Section 40

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 0171 217 3000, FAX Section 40 DIRECT LINE Section 40

MINISTRY OF DEFENCE
P.U.S Section 40
01 MAR 213
WHITEHALL
LONDON SW1

Mr Kevin Tebbit CMG
Permanent Secretary
Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB

Section 40
Section 40

for n/a.

Section 40 3

Your Ref: D/PUS/23/7(1514)
Our Ref: A.7/00

29 February 2000

Dear Mr. Tebbit,

Section 40 Section 40

I am replying to your Assistant Private Secretary's letter of 23 February about the complaint by Section 40 I have noted and incorporated the two amendments you have proposed, and agree that it would be reasonable to work to a timescale of at least four weeks for a reply to Section 40

I have today reported the results of the investigation to Mr Ieuan Wyn Jones MP. In accordance with section 10(2) of the Parliamentary Commissioner Act 1967, I send you this copy.

Yours sincerely,

Section 40

Section 40

Director

Enc:1

ARS/S:FS
PS/US of S
PS/2nd PUS
PS/PUS (C+A)
DGMO
DCNS
Hd Sec (AS)
D Nav
Hd of DR.

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 0171 217 3000, FAX Section 40 DIRECT LINE Section 40

Ieuan Wyn Jones Esq MP
House of Commons
London
SW1A 0AA

Your Ref: IWJ/2/96/137
Our Ref: A.7/00

29 February 2000

Dear Mr. Jones,

Section 40

1. I wrote to you on 2 December 1999 to tell you that the Parliamentary Ombudsman had decided to carry out an investigation into the complaint you referred on behalf of Section 40 and that he had sent a summary of Section 40 complaint to the Permanent Secretary of the Ministry of Defence (MOD). Section 40 complaint is that MOD had refused to provide him with information that should have been made available to him under the Code of Practice on Access to Government Information (the Code). This letter is my report to you under section 10(1) of the Parliamentary Commissioner Act 1967.

Background

2. Section 40 wrote to MOD on 24 May 1998 asking for information about incidents in the 1950s involving 'unidentified flying objects' (UFOs). MOD replied on 24 June. In their letter they explained their policy towards the storage and destruction of files on this subject. They said that all surviving contemporary paperwork had been forwarded to the Public Record Office and, as such, was a matter of public record. In reply (in an undated letter) Section 40 asked them to confirm the following statements as a matter of public record:-

> '1. An incident occurred on 4 April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin (Ref DDI(Tech)/C.290/3/, report dated 30 April 1957, PRO File AIR 20/9321).
>
> '2. It was official MOD policy to play down the significance of unidentified flying objects (AIR 2/17527).

'3. Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace (PRO Files AIR 20/9320, AIR 20/9321, AIR 20/9994 and AIR 16/1199).'

3. MOD wrote back on 6 July, to say that they could add nothing to their letter of 24 June. Section 40 Section 40 had earlier written separately to MOD on 25 June 1998, asking for information about visual and radar observations of aerial phenomena by Royal Air Force pilots and ground crew. He asked for details of the types of craft which had been observed (their shape, size and performance), their location and the dates of the incidents. He cited the Code and requested that MOD quote exemptions if they were minded to refuse the information; he also asked MOD to conduct an internal review. On 10 July 1998, Section 40 wrote to MOD about the three statements (paragraph 2 above) and asked them to review his request that they confirm the statements as a matter of public record.

4. On 30 July 1998, MOD wrote to Section 40 about the outcome of their review of both his requests. In respect of details of 'aerial phenomena', they told him that the information could be justifiably withheld under Exemption 9 of the Code (see paragraph 12 below) because providing it would require an unreasonable diversion of resources. As to the three statements they told him that, to the best of their knowledge, the files held at the Public Record Office contained the full details of any alleged incidents and decisions made at the time in respect of them; all contemporary paperwork was therefore available for public scrutiny. They also told him about his avenue of appeal to the Parliamentary Ombudsman.

5. On 28 July 1999, Section 40 wrote to MOD with a more narrowly focussed request for information. He asked for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999. He asked for details of the types of craft which had been observed (their shape, size, speed and unusual flight patterns) and the conclusions reached by MOD on UFOs. He also asked if MOD now agreed, in 1999, with the three statements given previously (paragraph 2 above) and expanded on the second of those statements by asking whether it was now, in 1999, official MOD policy to play down the subject of UFOs.

6. MOD replied on 14 October 1999. In their letter they said that the position with regard to the information requested by Section 40 was explained to him in July 1998 and that this position remained unchanged. As regards present MOD policy in respect of UFO related issues, they replied that this had been explained to Section 40 on many occasions Section 40 was not satisfied with that reply and sought the Ombudsman's intervention.

Departmental response to the Ombudsman

7. In offering his comments on the complaint, the Permanent Secretary of MOD said that he was satisfied that MOD's previous responses on the three specific statements had been correct. He said that it was not within MOD's remit to provide an official Departmental comment on alleged incidents and policy from the 1950s and 1960s, and noted that the files were in the Public Record Office and were open to anyone to draw their own conclusions.

8. With regard to Section 40 request as to whether it was official MOD policy to play down the subject of unidentified flying objects, the Permanent Secretary said that the Department's policy on UFOs had been explained to Section 40 on several occasions. He said that MOD had only a very limited defence interest in UFO issues, which was simply to establish from sighting reports whether or not there had been any breach of the UK Air Defence Region. He went on to say that investigations into sightings were only carried out if there were corroborative evidence that such a breach had occurred.

9. As regards Section 40 narrower request for specific information regarding UFO sightings between 28 July 1998 and 28 July 1999, the Permanent Secretary said that he was satisfied that the decision not to release this information under the terms of the Code was justified and referred to Exemption 9. He said that, in order to meet Section 40 request, they would need to scrutinise, and copy as appropriate, some 800 pieces of correspondence. In addition, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. It was estimated that it would take about 14 working hours to handle the request. However, although in his view the Code had been correctly applied, the Permanent Secretary said that he had asked the responsible division within the Department to make the information available to Section 40 on this occasion as a one-off exercise, and noted that there would be significant resource problems in repeating it.

10. Given the extent of the work involved, the Permanent Secretary also took the view that it would be reasonable to levy a charge for the information requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess of four hours to produce non-essential information. This would equate to a proposed charge of £150 but as a gesture of goodwill, he said that Section 40 would be charged a maximum of £75 on this occasion.

11. The Permanent Secretary also commented on his Department's general handling of Section 40 Section 40 correspondence. He took the view that Section 40 requests, which amounted to over 35 letters since July 1996, had been handled according to the Code and that the only identifiable shortcoming was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. He accepted that a holding reply should have been sent to Section 40 and that more might have been done to explain to him why his request was considered unreasonable.

The Code of Practice

12. Exemption 9 of the Code, which was cited by MOD, reads as follows:

> 'Requests for information which are vexatious or manifestly unreasonable or are formulated in too general a manner, or which (because of the amount of information to be processed or the need to retrieve information from files not in current use) would require unreasonable diversion of resources.'

Assessment

13. In assessing this complaint there are two aspects I have to consider: the substantive issue of whether or not information should be released and the general handling of Section 40 complaint. I turn first to the release of information. Section 40 first request was that MOD confirm as a matter of public record the three specific statements contained in historical records. In asking this question Section 40 appears to be seeking a current view from MOD in respect of both factual matters and their policy in the 1950s and 1960s regarding UFOs. MOD's view is that all the available information regarding these statements is in the Public Record Office and that it is therefore open to anyone to draw their own conclusions. Paragraph 3(v) of the Code commits Departments 'to release, in response to specific requests, information relating to their policies, actions and decisions and other matters related to their areas of responsibility'. However, the Guidance on Interpretation of the Code states that Departments are not obliged 'to give an opinion on a particular matter unless there would be a reasonable expectation that it should do so in the normal course of business'. MOD have provided Section 40 with details of their present policy on UFOs but I do not believe they can reasonably be expected now to provide an opinion on policy or statements made 40 to 50 years ago, particularly when all the available information relating to those statements is already in the public domain. I do not therefore consider that Section 40 request can be dealt with under the terms of the Code and I do not see the Permanent Secretary's response as unreasonable.

14. I am also satisfied that MOD have provided an adequate response to Section 40 request for a statement of their present policy on the subject of UFOs. The Permanent Secretary said that MOD's policy on the subject of UFOs had been explained to Section 40 on several occasions, to the effect that MOD had a very limited interest in UFO issues, which was to establish from sighting reports whether there had been any breach of the UK Air Defence Region.

15. I very much welcome the Permanent Secretary's decision to provide Section 40 with the specific information regarding UFO sightings that he has requested. The Code recognises that there are limits to the resources that a body can reasonably devote to answering requests for information. Exemption 9 of the Code allows requests for information to be refused after proper consideration if – because of the amount of information to be processed or the need to retrieve

information from archived files – meeting a request would require an unreasonable diversion of resources. Clearly it is a matter of judgement as to whether or not information requested in any given case is sufficiently extensive to justify the application of Exemption 9. On this occasion, the MOD have agreed, in spite of their view that Exemption 9 could be held to apply, to carry out that work and release the information. I welcome this decision and consider the prospective maximum charge of £75 to Section 40 to be reasonable in the light of the demands placed on the Department's resources.

16. As regards the general handling of Section 40 correspondence, I am pleased to note that, apart from the delay in replying to his letter of 28 July 1999, which was acknowledged as an error by the Permanent Secretary, all of Section 40 letters were answered promptly. He was also advised of his right, if he remained dissatisfied with their reply, to submit a complaint, through a Member of Parliament, to this Office. It is clear to me that MOD handled the matter in full accordance with the requirements of the Code, and for this I commend them. I am also pleased by the Permanent Secretary's comments that his Department is continuing to promote full awareness of the Code.

Conclusion

17. I found that the MOD acted reasonably in refusing to confirm the three specific statements contained in public records, and that they had provided Section 40 with an adequate response on their present policy on the subject of UFOs. While the MOD could reasonably have withheld the information on UFO sightings requested by Section 40 under Exemption 9, I regard their willingness to release this information on this occasion as a satisfactory outcome to a partially justified complaint.

Section 40

Section 40

Director of Investigations
duly authorised under section 3(2) of the
Parliamentary Commissioner Act 1967

KEVIN TEBBIT CMG

PERMANENT UNDER-SECRETARY OF STATE

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone Section 40
Fax:

D/PUS/23/7(1514)

23 February 2000

Dear Section 40

Thank you for giving the Permanent Secretary the opportunity to comment on your report into the complaint by Section 40 enclosed with your letter of 8 February 2000.

Kevin Tebbit welcomes the report's positive tone and its conclusion that the MOD has handled Section 40 request in full accordance with the Code of Practice on Access to Government Information.

He agrees that the facts of the case are correctly stated, subject to two minor amendments. First, the report states in paragraph 13 that "all the information relating to those statements [about UFO sightings and policy 40 to 50 years ago] is already in the public domain". This may not be quite correct. As the MOD have explained to Section 40 it was not MOD policy to retain all UFO files as a matter of routine until 1967. The Department does not know whether any relevant information was contained in those files destroyed prior to that date. However, all files from that period that were preserved have been given to the Public Record Office and their contents are a matter of public record. Kevin Tebbit thinks therefore that it would be more accurate if the report stated that all the *available* information is in the public domain. Second, the report states at paragraphs 10 and 15 that the Ministry of Defence proposes to levy a £75 charge for the provision of the information to Section 40 As was stated in the letter of 12 January from this office to Section 40 this sum is the maximum we would levy. Should the work be less time-consuming than expected, the charge to Section 40 would be correspondingly reduced. Kevin Tebbit would therefore prefer the report to refer to a *maximum* charge of £75.

Once the report has been passed to Section 40 through Ieuan Wyn Jones MP, the Department will need Section 40 consent for payment of the proposed charge before proceeding with the request. We will aim to handle the request as quickly as possible, but given the amount of work anticipated and the other calls on staff resources (which were explained in my letter of 12 January), it could take at least 4 weeks to reply to Section 40 I hope you will agree that this is a reasonable timeframe in the circumstances.

The point of contact in the Department for Section 40 is:

Section 40
Sec(AS)2
Ministry of Defence
Rm 8247 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

Yours sincerely

Section 40

(Assistant Private Secretary)

Section 40

cc: APS / S of S
PS / US of S
PS / 2nd PUS
PS / PUS (UK)
DGMO
DOMP
Hd Sec (AS)
D News
Hd of DR

Section 40
Director of Investigations
The Parliamentary Ombudsman
Office of the Parliamentary Commissioner for Administration
Millbank Tower
Millbank
London SW1P 4QP

→ file

13

SEC(AS)2

From: OMD14
Sent: 17 February 2000 17:59
To: OMD/AD(E+MG); SEC(AS)2
Subject: FW: Parliamentary Ombudsman report Section 40

FYI

Section 40 Thanks again for your valuable input.

Regards,

Section 40

-----Original Message-----
From: OMD14
Sent: 17 February 2000 17:55
To: APS/PUS
Cc: SOFS-Private Office; USofS/Mailbox; PS/2nd PUS; PS/DUS(CM); DGMO; HD OF SEC(AS); D News; Hd of DR
Subject: Parliamentary Ombudsman report: Section 40

PSA submission as requested in your D/PUS/23/7 (1425) of 13 February.

Section 40
OMD14
Section 40

LOOSE MINUTE

D/DOMD/2/10

17 February 2000

APS/PUS*

Copy to:
APS/SofS*
PS/USofS*
PS/2nd PUS*
PS/DUS(CM)*
DGMO*
Hd of Sec(AS)*
D News*
Hd of DR*

*sent on CHOTS

PARLIAMENTARY OMBUDSMAN REPORT: Section 40 [redacted]

References:
A. D/DOMD/2/10 of 23 December 1999
B. D/PUS/23/7 (1301) of 12 January 2000
C. A.7/00 of 8 February 2000

Issue

1. How to respond to the Ombudsman's proposed report on the complaint by Section 40 [redacted] that MOD did not provide him with the information he requested under the Code Of Practice on Access to Government Information.

Recommendation

2. That PUS writes to the Ombudsman's office in terms of the attached draft, welcoming the report's praise for MOD's handling of the case and confirming that, with two minor exceptions, it is factually correct.

Timing

3. The Ombudsman has asked for a response by 23 February.

Background

4. At Ref A, I provided advice on the notification by the Office of the Parliamentary Commissioner for Administration (the Ombudsman) that it would be investigating a complaint by Section 40 [redacted] that MOD had not provided him with the information he had requested on alleged UFO incidents and sightings and our policy in respect of these matters. At Ref B, PUS replied to the Ombudsman justifying non-disclosure but offering to release some of the information requested as a one-off gesture of goodwill. With his letter of 8 February (Ref C), the Ombudsman's Director of Investigations provided a copy of the report that he proposes to make to Ieuan Wyn Jones

MP (who lodged the complaint with the Ombudsman on behalf of Section 40 and invited comments on it.

5. The report concludes that MOD handled the case in full accordance with the Code of Practice on Access to Government Information (the Code) and it welcomes our decision to provide Section 40 with the information requested as a gesture of goodwill. The report correctly states the facts of the case, with the exception of two small matters. First, the Ombudsman states (para 13) that *all* the information relating to UFO sightings and policy from the 1950s and 1960s is in the public domain. This is not quite correct. As Sec(AS) have explained to Section 40, it was not MOD policy to retain all UFO files as a matter of routine until 1967. We do not know whether any relevant information was contained in those files destroyed prior to that date. However, all files from that period that were preserved have been given to the Public Record Office and their contents are a matter of public record. PUS's letter to the Ombudsman of 12 January (Ref B) therefore referred only to all *available* information being in the public domain and I recommend that paragraph 13 of the report is amended accordingly. Second, the Ombudsman refers (paras 10 and 15) to a prospective charge of £75 for providing the information to Section 40. As was indicated at Ref B, the £75 charge is the maximum we would levy. If the work were less time-consuming than anticipated, the charge to Section 40 would be correspondingly reduced. I recommend that the Ombudsman's report is amended to reflect this.

Handling of the requests

6. The report notes that, apart from the delay in answering a letter of 28 July 1999, Section 40 35 letters to MOD were answered promptly and he was notified of his right to submit a complaint to the Ombudsman. The Ombudsman concludes (para 16): "It is clear to me that MOD handled the matter in full accordance with the requirements of the Code, and for this I commend them. I am also pleased by the Permanent Secretary's comments that his Department is continuing to promote full awareness of the Code."

Release of information

7. Section 40 made three requests for information:

(a) That we confirm the following statements, which are his own interpretation of information held at the Public Record Office

- An incident occurred on 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin;

- It was official MOD policy to play down the significance of unidentified flying objects;

- Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace.

(b) That we confirm whether it is now, in 1999, MOD policy to play down the significance of unidentified flying objects.

(c) That we provide him with abstracts from all unidentified flying object reports, specifically those from commercial pilots, military pilots and radar personnel, giving details of the estimated sizes, shapes and speeds of craft, unusual flight patterns and conclusions reached by MOD in each case for the period 28 July 1998 to 28 July 1999.

8. With regard to Section 40 first request, at para 7(a) above, the Ombudsman supports our decision not to comment on the statements. He concludes (para 13): "I do not believe they [MOD] can reasonably be expected now to provide an opinion on policy or statements made 40 to 50 years ago, particularly when all the information relating to those statements is already in the public domain."

9. The Ombudsman also rejects Section 40 complaint that his request at para 7(b) above was not properly answered. He concludes (para 15): "I am also satisfied that MOD have provided an adequate response to Section 40 request for a statement of their present policy on the subject of UFOs."

10. The Ombudsman also supports (para 17) our judgement that the requested UFO sighting reports, at para 7(c) above, could reasonably have been withheld under Exemption 9 of the Code (voluminous or vexatious requests). He "very much welcomes" our decision nonetheless to make this information available to Section 40 and accepts that the abated charge we propose of a maximum of £75 is reasonable in light of the demands it will place on our resources (para 15).

Assessment

11. This is a very positive report for MOD. It praises our handling of the case, welcomes our decision to make more information available than is required under the Code, and it also notes the work we are doing to promote awareness of the Code within MOD. Apart from the small point of one late letter, there is nothing in the report that implies any criticism of MOD.

12. The next step will be for the Ombudsman to write to Ieuan Wyn Jones MP enclosing a copy of his final report for passing on to Section 40 It will then be up to Section 40 to notify Sec(AS) that he is prepared to pay up to £75 for the provision of the information. Once Sec(AS) have received Section 40 Section 40 consent for the charge, they will be able to start putting the information together. Given the amount of work anticipated and the other calls on staff resources, Sec(AS) estimate that it could take at least 4 weeks to provide Section 40 with the information requested. The work will have to be done by a Grade 7 as the more junior post in the section is currently being gapped.

Presentational issues

13. Given the tenor of the Ombudsman's report and the fact that we are releasing the information voluntarily, we should present this positively, highlighting MOD's general commitment to openness. To discourage an influx of similar requests, we should emphasise MOD's limited interest in

UFOs and reiterate that, because of the resource implications, providing this information is a one-off gesture of goodwill. This report and the Ombudsman's decision about the Section 40 complaint (ref. A.2/00 of 4 February) will appear in the Ombudsman's next six monthly report, to be published in June. Whilst Ombudsman cases are undesirable, MOD has in both cases been praised for its handling of requests under the Code, and we can use the outcomes to demonstrate the Department's commitment to openness. DOMD will provide a news brief to coincide with the release of the information to Section 40 Section 40

14. I therefore recommend that PUS responds to the Ombudsman's office along the lines of the attached draft.

{signed on CHOTS}

Section 40

DOMD

Section 40

Draft reply from PUS to Section 40 Director of Investigations, Office of the Parliamentary Commissioner for Administration

Thank you for the opportunity to comment on your report into the complaint by Section 40 enclosed with your letter of 8 February 2000.

I welcome the report's positive tone and its conclusion that MOD has handled Section 40 request in full accordance with the Code of Practice on Access to Government Information.

I agree that the facts of the case are correctly stated, subject to two minor amendments. First, the report states in paragraph 13 that "all the information relating to those statements [about UFO sightings and policy 40 to 50 years ago] is already in the public domain". This is not quite correct. As we have explained to Section 40 it was not MOD policy to retain all UFO files as a matter of routine until 1967. We do not know whether any relevant information was contained in those files destroyed prior to that date. However, all files from that period that were preserved have been given to the Public Record Office and their contents are a matter of public record. I therefore think it would be more accurate if the report stated that all the *available* information is in the public domain. Second, the report states at paragraphs 10 and 15 that the Ministry of Defence proposes to levy a £75 charge for the provision of the information to Section 40 As was stated in the letter of 12 January from my Private Secretary to Section 40 this sum is the maximum we would levy. Should the work be less time-consuming than expected, the charge to Section 40 would be correspondingly reduced. I would therefore prefer the report to refer to a *maximum* charge of £75.

Once the report has been passed to Section 40 through Ieuan Wyn Jones MP, we will need Section 40 consent for payment of the proposed charge before proceeding with the request. We will aim to handle the request as quickly as possible, but given the amount of work anticipated and the other calls on staff resources (which were explained in my letter of 12 January), it is estimated that it could take at least 4 weeks to reply to Section 40. I hope you will agree that this is a reasonable timeframe in the circumstances.

The point of contact in the Department for Section 40 is:

Section 40
Sec(AS)2
Ministry of Defence
Section 40 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

Section 40

18

SEC(AS)2

From: OMD14
Sent: 17 February 2000 16:09
To: SEC(AS)2
Subject: Ridyard

Section 40

PSA revised submission on Section 40

I have rephrased the section on when we will provide the information in a way I hope will satisfy the Ombudsman, whilst also giving you the flexibility that you (understandably) need. Are you happy with this?

Regards,

Section 40

Section 40
OMD14
Section 40

Discussed & agreed amendments

LOOSE MINUTE

D/DOMD/2/10

17 February 2000

APS/PUS*

Copy to:
APS/SofS*
PS/UsofS*
PS/2nd PUS*
PS/DUS(CM)*
DGMO*
Hd of Sec(AS)*
D News*
Hd of DR*

*sent on CHOTS

PARLIAMENTARY OMBUDSMAN REPORT: Section 40 [redacted]

References:
A. D/DOMD/2/10/ of 23 December 1999
B. D/PUS/23/7 (1301) of 12 January 2000
C. A.7/00 of 8 February 2000

Issue

1. How to respond to the Ombudsman's proposed report on the complaint by Section 40 [redacted] that MOD did not provide him with the information he requested under the Code Of Practice on Access to Government Information.

Recommendation

2. That PUS writes to the Ombudsman's office in terms of the attached draft, accepting that the facts are accurately stated and welcoming the report's praise for MOD's handling of the case.

Timing

3. The Ombudsman has asked for a response by 23 February.

Background

4. At Ref A, I provided advice on the notification by the Office of the Parliamentary Commissioner for Administration (the Ombudsman) that it would be investigating a complaint by Section 40 [redacted] that MOD had not provided him with the information he had requested on alleged UFO incidents and sightings and our policy in respect of these matters. At Ref B, PUS replied to the Ombudsman justifying non-disclosure but offering to release some of the information requested as a one-off gesture of goodwill. With his letter of 8 February (Ref C), the Ombudsman's Director of Investigations provided a copy of the report that he proposes to make to Ieuan Wyn Jones

MP (who lodged the complaint with the Ombudsman on behalf of Section 40 and invited comments on it.

5. The report concludes that MOD handled the case in accordance with the Code of Practice on Access to Government Information (the Code) and it welcomes our decision to provide Section 40 with the information requested as a gesture of goodwill. The report correctly states the facts of the case, with the exception of two small matters. First, the Ombudsman states (para 13) that *all* the information relating to UFO sightings and policy from the 1950s and 1960s is in the public domain. This is not quite correct. As Sec(AS) have explained to Section 40 it was not MOD policy to retain all UFO files as a matter of routine until 1967. We cannot be sure that all files pre-dating 1967 were retained, though all that were have been given to the Public Record Office. PUS's letter to the Ombudsman of 12 January (Ref B) therefore referred only to "all available information" being in the public domain and I recommend that paragraph 13 of the report is amended accordingly. Second, the Ombudsman refers (paras 10 and 15) to a prospective charge of £75 for providing the information to Section 40 As was indicated at Ref B, the £75 charge is the maximum we would levy. If the work is less time-consuming than anticipated, the charge to Section 40 would be correspondingly reduced. I recommend that the Ombudsman's report is amended to reflect this.

Handling of the requests

6. The report notes that, apart from the delay in answering a letter of 28 July 1999, Section 40 35 letters to MOD were answered promptly and he was notified of his right to submit a complaint to the Ombudsman. The Ombudsman concludes (para 16): "It is clear to me that MOD handled the matter in full accordance with the requirements of the Code, and for this I commend them. I am also pleased by the Permanent Secretary's comments that his Department is continuing to promote full awareness of the Code."

Release of information

7. Section 40 made three requests for information:

(a) That we confirm the following statements, which are his own interpretation of information held at the Public Record Office

- An incident occurred on 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin;

- It was official MOD policy to play down the significance of unidentified flying objects;

- Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace.

(b) That we confirm whether it is now, in 1999, MOD policy to play down the significance of unidentified flying objects.

(c) That we provide him with abstracts from all unidentified flying object reports, specifically those from commercial pilots, military pilots and radar personnel, giving details of the estimated sizes, shapes and speeds of craft, unusual flight patterns and conclusions reached by MOD in each case for the period 28 July 1998 to 28 July 1999.

8. With regard to Section 40 first request, at para 7(a) above, the Ombudsman supports our decision not to comment on the statements. He concludes (para 13): "I do not believe they [MOD] can reasonably be expected now to provide an opinion on policy or statements made 40 to 50 years ago, particularly when all the information relating to those statements is already in the public domain."

9. The Ombudsman also rejects Section 40 complaint that his request at para 7(b) above was not properly answered. He concludes (para 15): "I am also satisfied that MOD have provided an adequate response to Section 40 request for a statement of their present policy on the subject of UFOs."

10. The Ombudsman also supports (para 17) our judgement that the requested UFO sighting reports, at para 7(c) above, could reasonably have been withheld under Exemption 9 of the Code (voluminous and vexatious requests). He "very much welcomes" our decision nonetheless to make this information available to Section 40 and accepts that the abated charge we propose of a maximum of £75 is reasonable in light of the demands it will place on our resources (para 15).

Assessment

11. This is a very positive report for MOD. It praises our handling of the case, welcomes our decision to make more information available than is required under the Code, and it also notes the work we are doing to promote awareness of the Code within MOD. Apart from the small point of one late letter, there is nothing in the report that implies any criticism of MOD.

12. The next step will be for the Ombudsman to write to Ieuan Wyn Jones MP enclosing a copy of his final report for passing on to Section 40 It will then be up to Section 40 to notify Sec(AS) that he is prepared to pay up to £75 for the provision of the information. Once Sec(AS) have received Section 40 Section 40 consent for the charge, they will be able to start putting the information together. Given the amount of work involved and the other calls on staff resources, Sec(AS) estimate that it will take at least 4 weeks to provide Section 40 with the information requested. The work will have to be done by a Grade 7 as the more junior posts in the section are currently being gapped.

Presentational issues

13. Given the tenor of the Ombudsman's report and the fact that we are releasing the information voluntarily, we should present this positively, highlighting MOD's general commitment to openness. To discourage an influx of similar requests, we should emphasise MOD's limited interest in UFOs and reiterate that, because of the resource implications, providing this information is a one-off gesture of goodwill. This report and the Ombudsman's

decision about the Section 40 complaint (ref. A.2/00 of 4 February) will appear in the Ombudsman's next six monthly report, to be published in June. Whilst Ombudsman cases are undesirable, MOD has in both cases been praised for its handling of requests under the Code, and we can use the outcomes to demonstrate the Department's commitment to openness. DOMD will provide a news brief to coincide with the release of the information to Section 40 Section 40

14. I therefore recommend that PUS responds to the Ombudsman's office along the lines of the attached draft.

Section 40

DOMD

Section 40

Draft reply from PUS to Section 40 Director of Investigations, Office of the Parliamentary Commissioner for Administration

Thank you for the opportunity to comment on your report on the complaint by Section 40 enclosed with your letter of 8 February 2000.

I welcome the report's positive tone and its conclusion that MOD has handled Section 40 request fully in accordance with the Code of Practice on Access to Government Information.

I agree that the facts of the case are correctly stated, subject to two minor amendments. First, the report states in paragraph 13 that "all the information relating to those statements [about UFO sightings and policy 40 to 50 years ago] is already in the public domain". This is not quite correct. As we have previously explained to Section 40 it was not MOD policy to retain all UFO files as a matter of routine until 1967. We do not know whether all of the files pre-dating this year were preserved. All those files that were retained have been given to the Public Record Office. I would therefore prefer the report to state that all the *available* information is in the public domain. Second, the report states at paragraphs 10 and 15 that the Ministry of Defence proposes to levy a £75 charge for the provision of the information to Section 40 As was stated in the letter of 12 January from my Private Secretary to Section 40 Section 40 this sum is the maximum we would levy. Should the work be less time-consuming than expected, the charge to Section 40 would be correspondingly reduced. I would therefore prefer the report to refer to a *maximum* charge of £75.

Once the report has been passed to Section 40 through Ieuan Wyn Jones MP, we will need Section 40 consent for payment of the proposed charge before proceeding with the request. We will aim to handle the request as quickly as possible, but given the amount of work involved and the other calls on staff resources (which were explained in my letter of 12 January), it is estimated that it will take at least 4 weeks to reply to Section 40 I hope you will agree that this is a reasonable timeframe in the circumstances.

The point of contact in the Department for Section 40 is:

Section 40
Sec(AS)2
Ministry of Defence
Section 40 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

Loose Minute

D/Sec(AS)64/3

17 February 2000

OMD14

PARLIAMENTARY OMBUDSMAN REPORT: Section 40 [redacted]

Reference: OMD14 e-mail of 14.56 16 February 2000

1. You asked for comments/amendments to the draft letters attached to your e-mail at Reference. Comments are provided below to correspond with the amendments shown in red italics in your drafts.

2. Comments summary:

Draft for PUS:

Para 4 - there are no substantiated incidents and sightings of UFOs – only alleged ones.

Para 5 - amended to flag up the point made at para 10 below.

Para 8 - It is correct to say that 'UFO' files have been released but I consider 'all' should be deleted from the letter to PUS and, more importantly, in the Ombudsman's report. There is absolutely no way of knowing, 40-50 years on, if 'all' of the information is on these files and is now in the public domain. It was not MOD policy to preserve UFO files as a matter of routine until 1967. The letter from PS/PUS to Section 40 [redacted] does not say 'all'. You may wish to reflect on this point. If you agree you will need to add this further amendment to the one I have already proposed for the letter from PUS.

Para 10 - I said to you, Section 40 said to PUS and PS/PUS said to Section 40 [redacted] a maximim of £75.

Para 12 - amended to accord with para 10 and the timescale for completion is provided.

Para 13 - (a) we certainly do need to emphasise MOD's limited interest. (b) I think saying anything now about putting information on the MOD's website is a hostage to fortune – what if we find nothing? I believe we need to wait for Section 40 [redacted] consent, then see what is found on the files and, after that, decide whether to put any information on the website.

Draft from PUS to Section 40 [redacted]

Para 2 - amended to reflect that the charge is a maximum one.

Para 3 - timescale added.

Para 4 - amended to take account of the amendment to para 2.

3. I shall, of course, let you know if and when Section 40 makes contact. We shall start the clock at that point!

Section 40 [redacted]

Section 40 [redacted]

Sec(AS)2

Section 40 [redacted]

LOOSE MINUTE

D/DOMD/2/10

18 February 2000

APS/PUS

Copy to:
APS/SofS
PS/USofS
PS/2nd PUS
PS/DUS(CM)
DGMO
Hd of Sec(AS)
D News
Hd of DR

PARLIAMENTARY OMBUDSMAN REPORT: Section 40 [redacted]

References:
A. D/DOMD/2/10/ of 23 December 1999
B. D/PUS/23/7 (1301) of 12 January 2000
C. A.7/00 of 8 February 2000

Issue

1. How to respond to the Ombudsman's proposed report on the complaint by Section 40 [redacted] that MOD did not provide him with the information he requested under the Code Of Practice on Access to Government Information.

Recommendation

2. That PUS writes to the Ombudsman's office in terms of the attached draft, accepting that the facts are accurately stated and welcoming the report's praise for MOD's handling of the case.

Timing

3. The Ombudsman has asked for a response by 23 February.

Background

4. At Ref A, I provided advice on the notification by the Office of the Parliamentary Commissioner for Administration (the Ombudsman) that it would be investigating a complaint by Section 40 [redacted] that MOD had not provided him with the information he had requested on *alleged* UFO incidents *and* sightings *and* our policy *in respect of these matters*. At Ref B, PUS replied to the Ombudsman justifying non-disclosure but offering to release some of the information requested as a one-off gesture of goodwill. With his letter of 8 February (Ref C), the Ombudsman's Director of Investigations provided a copy of the report that he proposes to make to Ieuan Wyn Jones MP (who lodged the complaint with the Ombudsman on behalf of Section 40 [redacted] and invited comments on it.

5. The report concludes that MOD handled the case in accordance with the Code of Practice on Access to Government Information (the Code) and it welcomes our decision to provide Section 40 with the information requested as a gesture of goodwill. *With the exception of one small point of detail in respect of charges we might levy,* it correctly states the facts of the case.

Handling of the requests

6. The report notes that, apart from the delay in answering a letter of 28 July 1999, Section 40 35 letters to MOD were answered promptly and he was notified of his right to submit a complaint to the Ombudsman. The Ombudsman concludes (para 16): "It is clear to me that MOD handled the matter in full accordance with the requirements of the Code, and for this I commend them. I am also pleased by the Permanent Secretary's comments that his Department is continuing to promote full awareness of the Code."

Release of information

7. Section 40 made three requests for information:

(a) That we confirm the following statements, which are his own interpretation of information held at the Public Record Office

- An incident occurred on 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin;

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(b) That we confirm whether it is now, in 1999, MOD policy to play down the significance of unidentified flying objects.

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8. With regard to Section 40 first request, at para 7(a) above, the Ombudsman supports our decision not to comment on the statements. He concludes (para 13): "I do not believe they [MOD] can reasonably be expected now to provide an opinion on policy or statements made 40 to 50 years ago, particularly *when the* information relating to those statements is already in the public domain."

9. The Ombudsman also rejects Section 40 complaint that his request at para 7(b) above was not properly answered. He concludes (para 15): "I am also satisfied that MOD have provided an adequate response to Section 40 request for a statement of their present policy on the subject of UFOs."

10. The Ombudsman also supports (para 17) our judgement that the requested UFO sighting reports, at para 7(c) above, could reasonably have been withheld under Exemption 9 of the Code (voluminous and vexatious requests). He "very much welcomes" our decision nonetheless to make this information available to Section 40 and accepts that the abated charge we propose of *a maximum of* £75 is reasonable in light of the demands it will place on our resources (para 15).

Assessment

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Presentational issues

13. Given the tenor of the Ombudsman's report and the fact that we are releasing the information voluntarily, we should present this positively, highlighting MOD's general commitment to openness. To discourage an influx of similar requests, *we should* emphasise MOD's limited interest in UFOs *and reiterate* that, because of the resource implications, providing this information is a one-off gesture of goodwill. This report and the Ombudsman's decision about the Section 40 complaint (ref. A.2/00 of 4 February) will appear in the Ombudsman's next six monthly report, to be published in June. Whilst Ombudsman cases are undesirable, MOD has in both cases been praised for its handling of requests under the Code, and we can use the outcomes to demonstrate the Department's commitment to openness. DOMD will provide a news brief to coincide with the release of the information to Section 40

14. I therefore recommend that PUS responds to the Ombudsman's office along the lines of the attached draft.

Section 40

DOMD
Section 40

Draft reply from PUS to Section 40 , Director of Investigations, Office of the Parliamentary Commissioner for Administration

Thank you for the opportunity to comment on your report on the complaint by Section 40 enclosed with your letter of 8 February 2000.

I agree that *subject to a minor point of detail* the report correctly states the facts of the case and I welcome its conclusion that MOD has handled Section 40 Section 40 request fully in accordance with the Code of Practice on Access to Government Information. *In my Private Secretary letter to* Section 40 *of 12 January, we said that the charge for scrutinising the files and copying any papers that were found to be relevant would be a maximum of £75.*

Once the report has been passed to Section 40 through Ieuan Wyn Jones MP, we will need Section 40 consent for payment of the *charge we shall need to levy* before proceeding with the request. Once we have received this consent, we will process the request as quickly as possible, but, given the amount of work involved, I expect we will need *up to six weeks* to complete the task.

The point of contact in the Department for Section 40 *is*:

Section 40
Sec(AS)2
Ministry of Defence
Rm 8247 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

10

SEC(AS)2

From: OMD14
Sent: 16 February 2000 14:56
To: HD OF SEC(AS); SEC(AS)2
Cc: OMD/AD(E+MG)
Subject: Ombudsman report: Section 40
Importance: High

PSA draft submission to PUS regarding the above for your comments/input.

The main issue is what timetable we should offer for providing the information to Section 40 presuming he consents to the charge). The Ombudsman will be looking for the information to be provided ASAP, but you will obviously have to consider the resource implications. Would 4 weeks from receipt of Section 40 consent be feasible?

As our Director is out of the office on Friday and this has to go up to PUS by then, we'd be grateful for your advice by tomorrow (Thursday) lunchtime, if that is possible. It should be fairly straightforward.

Regards,

Section 40

Section 40

OMD14

Section 40

LOOSE MINUTE

D/DOMD/2/10

18 February 2000

APS/PUS

Copy to:
APS/SofS
PS/USofS
PS/2nd PUS
PS/DUS(CM)
DGMO
Hd of Sec(AS)
D News
Hd of DR

PARLIAMENTARY OMBUDSMAN REPORT: Section 40 [redacted]

References:
A. D/DOMD/2/10/ of 23 December 1999
B. D/PUS/23/7 (1301) of 12 January 2000
C. A.7/00 of 8 February 2000

Issue

1. How to respond to the Ombudsman's proposed report on the complaint by Section 40 [redacted] that MOD did not provide him with the information he requested under the Code Of Practice on Access to Government Information.

Recommendation

2. That PUS writes to the Ombudsman's office in terms of the attached draft, accepting that the facts are accurately stated and welcoming the report's praise for MOD's handling of the case.

Timing

3. The Ombudsman has asked for a response by 23 February.

Background

4. At Ref A, I provided advice on the notification by the Office of the Parliamentary Commissioner for Administration (the Ombudsman) that it would be investigating a complaint by Section 40 [redacted] that MOD had not provided him with the information he had requested on UFO incidents and sightings and policy. At Ref B, PUS replied to the Ombudsman justifying non-disclosure but offering to release some of the information requested as a one-off gesture of goodwill. With his letter of 8 February (Ref C), the Ombudsman's Director of Investigations provided a copy of the report that he proposes to make to Ieuan Wyn Jones MP (who lodged the complaint with the Ombudsman on behalf of Section 40 [redacted] and invited comments on it.

5. The report concludes that MOD handled the case in accordance with the Code of Practice on Access to Government Information (the Code) and it welcomes our decision to provide Section 40 with the information requested as a gesture of goodwill. It correctly states the facts of the case.

Handling of the requests

6. The report notes that, apart from the delay in answering a letter of 28 July 1999, Section 40 35 letters to MOD were answered promptly and he was notified of his right to submit a complaint to the Ombudsman. The Ombudsman concludes (para 16): "It is clear to me that MOD handled the matter in full accordance with the requirements of the Code, and for this I commend them. I am also pleased by the Permanent Secretary's comments that his Department is continuing to promote full awareness of the Code."

Release of information

7. Section 40 made three requests for information:

(a) That we confirm the following statements, which are his own interpretation of information held at the Public Record Office

- An incident occurred on 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin;

- It was official MOD policy to play down the significance of unidentified flying objects;

- Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace.

(b) That we confirm whether it is now, in 1999, MOD policy to play down the significance of unidentified flying objects.

(c) That we provide him with abstracts from all unidentified flying object reports, specifically those from commercial pilots, military pilots and radar personnel, giving details of the estimated sizes, shapes and speeds of craft, unusual flight patterns and conclusions reached by MOD in each case for the period 28 July 1998 to 28 July 1999.

8. With regard to Section 40 first request, at para 7(a) above, the Ombudsman supports our decision not to comment on the statements. He concludes (para 13): "I do not believe they [MOD] can reasonably be expected now to provide an opinion on policy or statements made 40 to 50 years ago, particularly when all the information relating to those statements is already in the public domain."

9. The Ombudsman also rejects Section 40 complaint that his request at para 7(b) above was not properly answered. He concludes (para 15): "I am

also satisfied that MOD have provided an adequate response to Section 40 request for a statement of their present policy on the subject of UFOs."

10. The Ombudsman also supports (para 17) our judgement that the requested UFO sighting reports, at para 7(c) above, could reasonably have been withheld under Exemption 9 of the Code (voluminous and vexatious requests). He "very much welcomes" our decision nonetheless to make this information available to Section 40 and accepts that the abated charge we propose of £75 is reasonable in light of the demands it will place on our resources (para 15).

A MAXIMUM OF

Assessment

11. This is a very positive report for MOD. It praises our handling of the case, welcomes our decision to make more information available than is required under the Code, and it also notes the work we are doing to promote awareness of the Code within MOD. Apart from the small point of one late letter, there is nothing in the report that implies any criticism of MOD.

12. The next step will be for the Ombudsman to write to Ieuan Wyn Jones MP enclosing a copy of his final report for passing on to Section 40 It will up to then be up to Section 40 to notify Sec(AS) that he is prepared to pay ~~the~~ £75 ~~charge~~ for the provision of the information. Once Sec(AS) have received Section 40 Section 40 consent for the charge, they will be able to start putting the information together. Given the substantial amount of work involved, Sec(AS) estimate that it will take ~~until [DATE]~~ to provide the information requested. up to four weeks from receipt of consent Section 40

Presentational issues

13. Given the tenor of the Ombudsman's report and the fact that we are releasing the information voluntarily, we should present this positively, highlighting MOD's general commitment to openness. To discourage an influx of similar requests, we ~~may~~ should, however, ~~wish to~~ emphasise MOD's limited interest in UFOs and ~~to~~ reiterate that, because of the resource implications, providing this information is a one-off gesture of goodwill. [~~IN THE LONGER TERM WE SHOULD CONSIDER PUTTING THE RELEASED INFORMATION ON THE WEBSITE – SEC(AS) TO ADVISE~~]. This report and the Ombudsman's decision about the Section 40 complaint (ref. A.2/00 of 4 February) will appear in the Ombudsman's next six monthly report, to be published in June. Whilst Ombudsman cases are undesirable, MOD has in both cases been praised for its handling of requests under the Code, and we can use the outcomes to demonstrate the Department's commitment to openness. DOMD will provide a news brief to coincide with the release of the information to Section 40

what website? I do not include – we have no idea what we will / will not find

14. I therefore recommend that PUS responds to the Ombudsman's office along the lines of the attached draft.

Section 40
DOMD
Section 40

Draft reply from PUS to Section 40 Director of Investigations, Office of the Parliamentary Commissioner for Administration

Thank you for the opportunity to comment on your report on the complaint by Section 40 enclosed with your letter of 8 February 2000.

I agree that the report correctly states the facts of the case and I welcome its conclusion that MOD has handled Section 40 request fully in accordance with the Code of Practice on Access to Government Information.

Once the report has been passed to Section 40 through Ieuan Wyn Jones MP, we will need Section 40 consent for payment of the £5 charge before proceeding with the request. Once we have received this consent, we will process the request as quickly as possible, but, given the amount of work involved, I expect we will need about [~~SEC(AS) to confirm~~] to complete the task.

~~As stated in the letter of 12 January from my Private Secretary to~~ Section 40 ~~the point of contact in the Department for this matter is:~~

Section 40

Section 40
Sec(AS)2
Ministry of Defence
Rm 8247 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

DOMS

(146)

9

Reference D/PUS/23/7 (1425)

The Parliamentary Ombudsman

Section 40 [redacted]

1. I attach a copy of a letter / ~~minute~~ dated 8 Feb 00

from Section 40 [redacted] to PUS

2. Will you please:

~~A. Take any necessary action and, if appropriate, reply direct.~~

~~B. Submit advice/comment.~~

C. Submit advice together with a draft reply. – see para 3 of Section 40 [redacted] letter.

~~D. Note the attached for information.~~

3. Please submit this by COP 18 Feb 00

4. The Open Government Code of Practice came into force on 4th April 1994. You should ensure that all replies to members of the public are provided in accordance with the procedures as set out in the Code. A full explanation of the Code of Practice is contained in DCI GEN 223/99; further information is available in the CHOTS public area or from OMD 14 on telephone extension MB84814.

Copies go to:

APS/SofS — Hd Sec (AS)

PS/US of S — Hd of DR

PS/2nd Pus

DGMO

D News

Section 40 [redacted]

This looks reasonable. My only comment is on para. 10.

Section 40 [redacted]

MINISTRY OF DEFENCE SEC(AS)2 15 FEB 2000 FILE

Section 40 [redacted]

APS/PUS

Section 40 [redacted]

CHOTS: PUS Outer Office

Date 13 Feb 00

Have read

Section 40 [redacted]

Section 40 [redacted]

misc 1056 99

23/7

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 0171 217 3000, FAX Section 40 DIRECT LINE Section 40

Mr Kevin Tebbit CMG
Permanent Secretary
Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB

MINISTRY OF DEFENCE
P.U.S.
43847
10 FEB 2000

8 February 2000

Our Ref: A.7/00
Your Ref: D/PUS/23/7 (1301)

Dear Mr. Tebbit,

Section 40

You wrote to the Parliamentary Ombudsman on 12 January 2000 giving comments on the complaint by Section 40

I now enclose a copy of the report which we propose to make to the Member, Ieuan Wyn Jones MP, under section 10(1) of the Parliamentary Commissioner Act.

I should be grateful if, by 23 February 2000, you would let me know whether you agree that the facts are correctly stated so far as your Department is concerned, and whether you have any comments on their presentation.

Yours sincerely,

Section 40

Section 40

Director of Investigations

Enc: 1

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Ieuan Wyn Jones Esq MP
House of Commons
London
SW1A 0AA

Our Ref: A.7/00
Your Ref: IWJ/2/96/137

February 2000

Section 40 [redacted]

1. I wrote to you on 2 December 1999 to tell you that the Parliamentary Ombudsman had decided to carry out an investigation into the complaint you referred on behalf of Section 40 [redacted] Section 40 [redacted] and that he had sent a summary of Section 40 [redacted] complaint to the Permanent Secretary of the Ministry of Defence (MOD). Section 40 [redacted] complaint is that MOD had refused to provide him with information that should have been made available to him under the Code of Practice on Access to Government Information (the Code). This letter is my report to you under section 10(1) of the Parliamentary Commissioner Act 1967.

Background

2. Section 40 [redacted] wrote to MOD on 24 May 1998 asking for information about incidents in the 1950s involving 'unidentified flying objects' (UFOs). MOD replied on 24 June. In their letter they explained their policy towards the storage and destruction of files on this subject. They said that all surviving contemporary paperwork had been forwarded to the Public Record Office and, as such, was a matter of public record. In reply (in an undated letter) Section 40 [redacted] asked them to confirm the following statements as a matter of public record:-

'1. An incident occurred on 4 April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin (Ref DDI(Tech)/C.290/3/, report dated 30 April 1957, PRO File AIR 20/9321).

'2. It was official MOD policy to play down the significance of unidentified flying objects (AIR 2/17527).

'3. Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace (PRO Files AIR 20/9320, AIR 20/9321, AIR 20/9994 and AIR 16/1199).'

3. MOD wrote back on 6 July, to say that they could add nothing to their letter of 24 June. Section 40 had earlier written separately to MOD on 25 June 1998, asking for information about visual and radar observations of aerial phenomena by Royal Air Force pilots and ground crew. He asked for details of the types of craft which had been observed (their shape, size and performance), their location and the dates of the incidents. He cited the Code and requested that MOD quote exemptions if they were minded to refuse the information; he also asked MOD to conduct an internal review. On 10 July 1998, Section 40 wrote to MOD about the three statements (paragraph 2 above) and asked them to review his request that they confirm the statements as a matter of public record.

4. On 30 July 1998, MOD wrote to Section 40 about the outcome of their review of both his requests. In respect of details of 'aerial phenomena', they told him that the information could be justifiably withheld under Exemption 9 of the Code (see paragraph 12 below) because providing it would require an unreasonable diversion of resources. As to the three statements they told him that, to the best of their knowledge, the files held at

the Public Record Office contained the full details of any alleged incidents and decisions made at the time in respect of them; all contemporary paperwork was therefore available for public scrutiny. They also told him about his avenue of appeal to the Parliamentary Ombudsman.

5. On 28 July 1999, Section 40 wrote to MOD with a more narrowly focussed request for information. He asked for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999. He asked for details of the types of craft which had been observed (their shape, size, speed and unusual flight patterns) and the conclusions reached by MOD on UFOs. He also asked if MOD now agreed, in 1999, with the three statements given previously (paragraph 2 above) and expanded on the second of those statements by asking whether it was now, in 1999, official MOD policy to play down the subject of UFOs.

6. MOD replied on 14 October 1999. In their letter they said that the position with regard to the information requested by Section 40 was explained to him in July 1998 and that this position remained unchanged. As regards present MOD policy in respect of UFO related issues, they replied that this had been explained to Section 40 on many occasions. Section 40 Section 40 was not satisfied with that reply and sought the Ombudsman's intervention.

Departmental response to the Ombudsman

7. In offering his comments on the complaint, the Permanent Secretary of MOD said that he was satisfied that MOD's previous responses on the three specific statements had been correct. He said that it was not within MOD's remit to provide an official Departmental comment on alleged incidents and policy from the 1950s and 1960s, and noted that the files were in the Public Record Office and were open to anyone to draw their own conclusions.

8. With regard to Section 40 request as to whether it was official MOD policy to play

down the subject of unidentified flying objects, the Permanent Secretary said that the Department's policy on UFOs had been explained to Section 40 on several occasions. He said that MOD had only a very limited defence interest in UFO issues, which was simply to establish from sighting reports whether or not there had been any breach of the UK Air Defence Region. He went on to say that investigations into sightings were only carried out, if there were corroborative evidence that such a breach had occurred.

9. As regards Section 40 narrower request for specific information regarding UFO sightings between 28 July 1998 and 28 July 1999, the Permanent Secretary said that he was satisfied that the decision not to release this information under the terms of the Code was justified and referred to Exemption 9. He said that, in order to meet Section 40 request, they would need to scrutinise, and copy as appropriate, some 800 pieces of correspondence. In addition, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. It was estimated that it would take about 14 working hours to handle the request. However, although in his view the Code had been correctly applied, the Permanent Secretary said that he had asked the responsible division within the Department to make the information available to Section 40 on this occasion as a one-off exercise, and noted that there would be significant resource problems in repeating it.

10. Given the extent of the work involved, the Permanent Secretary also took the view that it would be reasonable to levy a charge for the information requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess of four hours to produce non-essential information. This would equate to a proposed charge of £150 but as a gesture of goodwill, he said that Section 40 would be charged only £75 on this occasion.

Didn't we say 'a maximum of' or something like that?

11. The Permanent Secretary also commented on his Department's general handling of Section 40 Section 40 correspondence. He took the view that Section 40 requests, which amounted to over 35 letters since July 1996, had been handled according to the Code and that the

only identifiable shortcoming was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. He accepted that a holding reply should have been sent to Section 40 and that more might have been done to explain to him why his request was considered unreasonable.

The Code of Practice

12. Exemption 9 of the Code, which was cited by MOD, reads as follows:

> 'Requests for information which are vexatious or manifestly unreasonable or are formulated in too general a manner, or which (because of the amount of information to be processed or the need to retrieve information from files not in current use) would require unreasonable diversion of resources.'

Assessment

13. In assessing this complaint there are two aspects I have to consider: the substantive issue of whether or not information should be released and the general handling of Section 40 Section 40 complaint. I turn first to the release of information. Section 40 first request was that MOD confirm as a matter of public record the three specific statements contained in historical records. In asking this question, Section 40 appears to be seeking a current view from MOD in respect of both factual matters and their policy in the 1950s and 1960s regarding UFOs. MOD's view is that all the available information regarding these statements is in the Public Record Office and that it is therefore open to anyone to draw their own conclusions. Paragraph 3(v) of the Code commits Departments 'to release, in response to specific requests, information relating to their policies, actions and decisions and other matters related to their areas of responsibility'. However, the Guidance on Interpretation of the Code states that Departments are not obliged 'to give an opinion on a particular matter unless there would be a reasonable expectation that it should do so in the normal course of business'. MOD have provided Section 40 with details of their present policy on UFOs but I do not believe they can reasonably be expected now to provide an opinion on policy or statements made 40 to 50 years ago,

particularly when all the information relating to those statements is already in the public domain. I do not therefore consider that Section 40 request can be dealt with under the terms of the Code and I do not see the Permanent Secretary's response as unreasonable.

14. I am also satisfied that MOD have provided an adequate response to Section 40 request for a statement of their present policy on the subject of UFOs. The Permanent Secretary said that MOD's policy on the subject of UFOs had been explained to Section 40 on several occasions, to the effect that MOD had a very limited interest in UFO issues, which was to establish from sighting reports whether there had been any breach of the UK Air Defence Region.

15. I very much welcome the Permanent Secretary's decision to provide Section 40 with the specific information regarding UFO sightings that he has requested. The Code recognises that there are limits to the resources that a body can reasonably devote to answering requests for information. Exemption 9 of the Code allows requests for information to be refused after proper consideration if – because of the amount of information to be processed or the need to retrieve information from archived files – meeting a request would require an unreasonable diversion of resources. Clearly it is a matter of judgement as to whether or not information requested in any given case is sufficiently extensive to justify the application of Exemption 9. On this occasion, the MOD have agreed, in spite of their view that Exemption 9 could be held to apply, to carry out that work and release the information. I welcome this decision and consider the prospective charge of £75 to Section 40 Section 40 to be reasonable in the light of the demands placed on the Department's resources.

16. As regards the general handling of Section 40 correspondence, I am pleased to note that, apart from the delay in replying to his letter of 28 July 1999, which was acknowledged as an error by the Permanent Secretary, all of Section 40 letters were answered promptly. He was also advised of his right, if he remained dissatisfied with their reply, to submit a complaint, through a Member of Parliament, to this Office. It is

clear to me that MOD handled the matter in full accordance with the requirements of the Code, and for this I commend them. I am also pleased by the Permanent Secretary's comments that his Department is continuing to promote full awareness of the Code.

Conclusion

17. I found that the MOD acted reasonably in refusing to confirm the three specific statements contained in public records, and that they had provided Section 40 with an adequate response on their present policy on the subject of UFOs. While the MOD could reasonably have withheld the information on UFO sightings requested by Section 40 under Exemption 9, I regard their willingness to release this information on this occasion. as a satisfactory outcome to a partially justified complaint.

Section 40

Director

Copy on 6f/4

(45)

Section 40 [redacted]

14/1

8

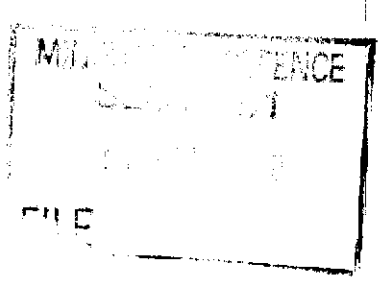
PERMANENT SECRETARY

Thanks are perhaps also due to you too!

D/PUS/23/7 (1309)

Section 40 [redacted]

13 January 2000



DOMD

Copy to:
APS/Secretary of State
PS/USofS
PS/2nd PUS
DGMO
D News
Hd Sec(AS)
Hd of DR

[All sent by CHOTS]

OMBUDSMAN INVESTIGATION OF OPEN GOVERNMENT COMPLAINT:
Section 40 [redacted]

PUS has seen your minute (2/10) of 23 December 1999. He was content with the advice and a letter has been sent to the Office of Parliamentary Commissioner for Administration, to this effect.

2. PUS asked that I pass on his thanks to you for handling this case well.

(Signed)

Section 40 [redacted]
APS/PUS
Section 40 [redacted]

(10)

7

KEVIN TEBBIT CMG

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone: Section 40
Fax:

PERMANENT UNDER-SECRETARY OF STATE

D/PUS/23/7 (1301)

12 January 2000

Dear Section 40

Section 40

I am writing to you in response to the letter from Section 40 of 2 December 1999 (your ref A.7/00) concerning the complaint from Section 40 about release of information under the Code of Practice on Access to Government Information.

I have considered the complaint in two parts: the question of disclosure in the context of the Code of Practice on Access to Government Information; and the Department's general handling of Section 40 requests for information.

Disclosure in the context of the Code of Practice on Access to Government Information

Section 40 has made three requests. In the first place, he asked: "Does the MoD, now in 1999, agree with the following specific statements contained in historical records

1) An incident occurred on the 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin.

2) It was official MOD policy to play down the significance of unidentified flying objects

3) Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace."

The reply given to Section 40 (D/Sec(AS)/64/3 dated 6 July 1998) explained that all the available information regarding these statements has been given to the Public Record Office and is therefore in the public domain. It also stated that we cannot provide any official comment on those records. This view was upheld in the internal review and I am

satisfied that this was the correct, indeed the only, position we could take. It is simply not within our remit to provide an official Departmental comment on alleged incidents and policy from the 1950s and 1960s. The files are in the Public Record Office and they are open to anyone to draw their own conclusions.

Section 40 second request was "is it now, in 1999, official MOD policy to play down the subject of unidentified flying objects?" The Department's policy on UFOs has been explained to Section 40 on several occasions, as early as 12 August 1996. I attach a copy of this letter for your information. The position is that the Ministry of Defence has only a very limited defence interest in UFO issues, which is to establish from sighting reports whether there has been any breach of the UK Air Defence Region. Investigations into sightings are only carried out if there is corroborative evidence that such a breach has occurred.

Section 40 third request is for "abstracts from all unidentified flying object reports specifically from commercial pilots, military pilots and radar personnel specifically witnessed between 0100 Hrs 28th July 1998 and 0100 Hrs 28th July 1999. I would specifically like to see

1. Estimated sizes, shapes and speeds of unidentified flying objects
2. Unusual flight patterns of unidentified flying objects
3. Conclusions reached by MoD on unidentified flying objects".

This is a narrowing of a request made in March 1 1998 for "all information relating to radar and visual sightings by our armed forces from at least the last five years but preferably the last thirty years." The initial request was refused on the grounds that it could only be provided at disproportionate cost and Section 40 sought an internal review. The decision not to release under exemption 9 of the Code (vexatious or voluminous requests) was upheld in the internal review. Section 40 narrower request for information between 28th July 1998 and 28th July 1999 was also rejected on grounds of disproportionate cost.

I am satisfied that this decision was justified under the terms of the Code of Practice on Access to Government Information.

The Guidance to the Code states that exemption 9 can be invoked where meeting a request would require an unreasonable diversion of resources because of the amount of information sought or difficulties in identifying, locating or collating it.

Even meeting Section 40 request for abstracts from UFO sighting reports from 28th July 1998 to 28th July 1999 would involve a considerable amount of work, both because of the volume of information sought and because of particular difficulties in publishing it. The Department receives about 400 sighting reports a year, very few of which require any form of follow up. On top of this, we receive about the same number of letters from members of the public on UFO issues, some of which may also contain sighting reports. To meet Section 40 Section 40 request, we would therefore need to scrutinise, and copy as appropriate, about 800 pieces of correspondence. There is the additional problem that, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. This would take additional time. In total, we estimate that it would take about 14 working hours to handle the request. Because UFO issues are

normally handled by only two junior members of staff, and comprise only a small element of their much wider-ranging tasks, and because the senior of these two posts is currently gapped as a result of our Departmental policy for postings/promotion arrangements and the more junior desk officer is very new to post, a Grade 7 would have to be assigned to handling the bulk of the request. This would necessarily entail an unreasonable diversion of resources.

Last year we considered whether it would be practical to release our UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. I am advised, however, that because of the need to blank out personal information, releasing the files early would be very time-consuming that it could impact on our overall Departmental programme of releasing documents to the PRO.

However, despite these considerations, I have asked the responsible division within the Department exceptionally to make the information available to Section 40 This is because I am determined that the Department is, and is seen to be, as open as possible. I also want Section 40 to see that we are not withholding significant information in this area and that we try to respond to the growing public demand for information on UFO issues as best we can within the very real constraints of our limited Departmental interest and resources. Our position nonetheless remains that the provision of this information is a one-off exercise that would normally be considered an unreasonable diversion of resources. As explained above, there would be significant resource problems in repeating this exercise.

Given the extent of the work involved, we would need to charge Section 40 for the provision of the information requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. On this occasion, I have decided that the charge should be abated by 50% as a gesture of goodwill. We would therefore charge a maximum of £75, if Section 40 wished us to carry out the task.

<u>The Department's general handling of Section 40 correspondence</u>

I believe that Section 40 requests, which amount to over 35 letters since July 1996, have been handled according to the Code of Practice on Access to Government Information. Almost all letters have been answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to Section 40 during his internal review. The one identified shortcoming was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. This was because of temporary staffing shortages in the responsible division and reflects the limited Departmental interest in the subject, the scarcity of resources made available to the task and the volume and frequency of Section 40 correspondence. However, Section 40 should have been sent a holding reply and this omission has been acknowledged by the division concerned. It may also be that more should have been done to explain to Section 40 why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

We have issued Department-wide instructions regarding the Code and we are continuing to promote awareness of it. I am satisfied that our general performance against the Code is good.

If you are content with this approach, I am happy for you to inform Section 40 through his MP. I expect that it should be possible to provide Section 40 with the information requested by the end of February. The point of contact in the Department is:

Section 40
Sec(AS)2
Ministry of Defence
Rm 8247 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

Yours sincerely

Section 40

(Private Secretary)

cc:
APS / SofS
PS / US of S
PS / 2nd
PofP
DEMO
D NEWS
HA Sec (AS)
HA of DR.

Section 40
Office of the Parliamentary Commissioner for Administration
15th Floor
Millbank Tower
Millbank
London SW1P 4QP

PS/HD OF SEC(AS)

6

From: OMD14

Sent: 23 December 1999 17:25

To: PUS Outer Office

Cc: SOFS-Private Office; USofS/Mailbox; PS/2nd PUS; DGMO; D News; HD OF SEC(AS); DOMD; Hd of DR; Hd of DR1; OMD/AD(E+MG)

Subject: Parliamentary Ombudsman Investigation: Section 40

For the attention of APS/PUS,

PSA submission and draft reply on the above. I will also fax you the letter from Sec(AS) to Section 40 of 12 August 1996 that is referred to in the submission.

The Ombudsman has agreed to extend the deadline for a reply until 12 January 2000.

Section 40
OMD14
Section 40

Section 40

Section 40

Section 40

for the file please

Copies also on 64/4 - PAS/PES & 21/22

Section 40

LOOSE MINUTE

D/DOMD/2/10

23 December 1999

PS/PUS*

Copy to:
APS/SofS*
PS/UsofS*
PS/2nd PUS*
DGMO*
D News*
Hd of Sec(AS)*
Hd of DR*

*by CHOTS

OMBUDSMAN INVESTIGATION OF OPEN GOVERNMENT COMPLAINT: Section 40 [redacted]

Reference:
A. D/PUS/23/7(1259) dated 16 December 1999

Issue

1. How to respond to the Parliamentary Ombudsman's invitation to comment on the complaint by Section 40 [redacted] that he was not provided with information requested under the Code of Practice on Access to Government Information (Ref A).

Recommendation

2. That PUS replies to the Ombudsman's Office along the lines of the attached draft.

Timing

3. The Ombudsman originally asked for a response by 23 December. We have, however, agreed an extension to 12 January 2000.

Background

4. In his letter of 2 December 1999 (ref A.7/00), Section 40 [redacted] Director of the Office of the Parliamentary Commissioner for Administration (the Parliamentary

Ombudsman), notified PUS of a complaint received against MOD concerning the Code of Practice on Access to Government Information (the Code). He invited PUS to comment on the complaint.

5. The Ombudsman is authorised to investigate complaints relating to the Code, for instance that information requested has not been provided, and make recommendations about any action he believes is required to rectify the complaint. The Ombudsman will not, however, investigate complaints until a Department's internal review procedure has been completed. Complaints to the Ombudsman have to be made through an MP.

6. In this case, the requester, Section 40 who is a committed ufologist and regular correspondent with Sec(AS), has obtained the backing of his MP, Ieuan Wyn Jones (Ynys Mon), to take his case to the Ombudsman. Overall, MOD has a good record in applying the Code. This is only the third complaint against MOD that the Ombudsman has investigated since the Code was introduced in 1994. We are still awaiting the outcome of the Ombudsman's last investigation, on which PUS commented on 27 May 1999 (ref. D/PUS/23/7(225)).

7. A chronology of Section 40 complaint is provided in the letter to PUS from the Ombudsman's Office. In summary, Section 40 has made three requests:

(a) That we confirm the following statements, which are his own interpretation of information held at the Public Record Office

- An incident occurred on 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin;

- It was official MOD policy to play down the significance of unidentified flying objects;

- Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace.

(b) That we confirm whether it is now, in 1999, MOD policy to play down the significance of unidentified flying objects.

(c) That we provide him with abstracts from all unidentified flying object reports, specifically those from commercial pilots, military pilots and radar personnel, giving details of the estimated sizes, shapes and speeds of craft, unusual flight patterns and conclusions reached by MOD in each case for the period 28 July 1998 to 28 July 1999.

8. With regard to Section 40 first request at 7(a), Sec(AS) replied on 24 June 1998 and 6 July 1998 that all the information regarding these statements had been forwarded to the Public Record Office and was therefore already in the public domain. There was nothing we could add to it. This decision was upheld in DOMD's internal review of 30 July 1998, and was repeated by USofS in his letter of 14 October 1999 to Ieuan Wyn Jones MP.

9. With regard to Section 40 second request at 7(b), Sec(AS) explained as early as their letter of 12 August 1996 (copy attached) MOD's current policy on UFOs and have reminded him on a number of occasions since that time. MOD has only a very limited defence interest in UFO issues, which is to establish from sighting reports whether there has been any breach of the UK Air Defence Region. Investigations into sightings are only carried out if there is corroborated evidence to suggest that such a breach has occurred.

10. With regard to 7(c) Section 40 originally requested in March 1998 that MOD should share with him "all information relating to radar and visual sightings by our armed forces from at least the last five years but preferably the last thirty years." The request was subject to an internal review in July 1998, where it was refused under Exemption 9 of the Code (vexatious or voluminous requests). It was decided that providing the information would require an unreasonable diversion of resources. Section 40 Section 40 then narrowed the timescale for his request down to the period 28 July 1998

to 28 July 1999. In his reply of 14 October 1999, USofS indicated that this still could not be answered without an unreasonable diversion of resources.

11. There are two elements that the Ombudsman will be investigating:

a. Disclosure: is MOD's decision not to disclose information justified under the terms of the Code and its exemptions

b. Handling: in accordance with the Code, were Section 40 requests answered within 20 working days, was he made aware of the complaints procedure and were Code exemptions cited when information was withheld?

12. Disclosure issues. In my view, my predecessor as DOMD was correct to conclude in the internal review that we could not provide Section 40 with further comment on his statements in para 7(a) above. These were not requests for information, but rather requests for us to confirm alleged incidents and policy from the 1950s and 1960s. As we pointed out, all the information relating to that time period is already in the public domain, and we are not in a position to provide any additional comment on it. With regard to Section 40 second request at 7(b), I am satisfied that MOD's current policy on UFOs was properly explained to Section 40 in the letter from Sec(AS) as early as 12 August 1996 and as late as USofS's letter to his MP dated 14 October 1999.

13. With regard to Section 40 request for reports on UFO sightings, as explained in para 7(c) above, I am satisfied that our initial decision to withhold the information under exemption 9 of the Code is justifiable. The Guidance to the Code states that exemption 9 can be invoked where meeting a request would require an unreasonable diversion of resources because of the amount of information sought or difficulties in identifying, locating or collating it.

14. Meeting Section 40 request for abstracts from UFO sighting reports from 28 July 1998 to 28 July 1999 would involve a considerable amount of work, both because of the volume of information sought and because of particular difficulties in publishing it. The Department receives about 400 sighting reports a year, very few of which require any form of follow up. On top of this, we receive about the same

number of letters from members of the public on UFO issues, some of which may also contain sighting reports. To meet Section 40 request, we would therefore need to scrutinise, and copy as appropriate, about 800 pieces of correspondence. There is the additional problem that, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. This would take additional time. In total, Sec(AS) estimate that it would take at least 14 working-hours to provide the information requested. Staff resources dedicated to UFO-related issues comprise some 20% of an EO and 50% of an AO. The EO post is currently gapped awaiting a new member of staff and the AO has been in post only some 6 weeks. Most of the work would therefore have to be done by the Grade 7, the only desk officer familiar with the issues involved.

15. Last year we considered whether it would be practical to release UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. Defence Records advised that because of the need to blank out personal information, releasing the files early would be very time-consuming and could impact on our overall Departmental programme of releasing documents to the PRO.

16. **Nonetheless, in light of Section 40 appeal to the Ombudsman, Head of Sec(AS) believes that there would be benefit in attempting to meet Section 40 request for reports of UFO sightings between 28 July 1998 and 28 July 1999.** This would demonstrate the Department's commitment to openness and would attempt to allay Section 40 concern that the Department is withholding significant information. The draft letter to the Ombudsman reflects this, and emphasises that this is intended to be a one-off exercise that would normally be regarded as an unreasonable diversion of resources. Given the extent of the work involved, we would normally charge for the provision of this information. MOD's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. However, as a gesture of goodwill, I recommend that we abate the charge in this case by 50%.

17. Handling issues. These are unlikely to be significant if we are going to provide Dr Ridyard with the information he requested. I believe that Dr Ridyard's correspondence, which amount to over 35 letters since July 1996, have been handled according to the Code of Practice on Access to Government Information. Almost all

letters were answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to Section 40 during his internal review. The one identified shortcoming was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. This was because of temporary staffing shortages in Sec(AS) and is a reflection of the limited Departmental interest in the subject, the consequent scarcity of resources made available to the task and the volume and frequency of Section 40 correspondence. In this situation, Section 40 should have been sent a holding reply. It may also be that more should have been done to explain to Section 40 why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

18. Presentational aspects. Subject to the Ombudsman's conclusions, we should present this as another example of MOD's commitment to openness. In this regard, it is important that this is seen as a voluntary gesture of openness rather than as something we were forced to do by the Ombudsman.

19. Conclusion. Given Sec(AS) offer to release the information requested, it is unlikely that the Ombudsman's report will be critical of MOD on the question of disclosure. There may, however, be minor criticism of the way some of Section 40 correspondence was handled. The attached draft reply reflects these points.

Section 40

DOMD

Section 40

DRAFT REPLY FROM PUS TO THE OMBUDSMAN'S OFFICE

Section 40 [redacted]

Office of the Parliamentary Commissioner for Administration
15th Floor
Millbank Tower
Millbank
London SW1P 4QP

I am writing to you in response to the letter from Section 40 [redacted] of 2 December 1999 (your ref A.7/00) concerning the complaint from Section 40 [redacted] about release of information under the Code of Practice on Access to Government Information.

I have considered the complaint in two parts: the question of disclosure in the context of the Code of Practice on Access to Government Information; and the Department's general handling of Section 40 [redacted] requests for information.

Disclosure in the context of the Code of Practice on Access to Government Information

Section 40 [redacted] has made three requests. In the first place, he asked: "Does the MoD, now in 1999, agree with the following specific statements contained in historical records

1) An incident occurred on the 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin.
2) It was official MOD policy to play down the significance of unidentified flying objects
3) Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace."

The reply given to Section 40 (D/Sec(AS)/64/3 dated 6 July 1998) explained that all the available information regarding these statements has been given to the Public Record Office and is therefore in the public domain. It also stated that we cannot provide any official comment on those records. This view was upheld in the internal review and I am satisfied that this was the correct, indeed the only, position we could take. It is simply not within our remit to provide an official Departmental comment on alleged incidents and policy from the 1950s and 1960s. The files are in the Public Record Office and they are open to anyone to draw their own conclusions.

Section 40 second request was "is it now, in 1999, official MOD policy to play down the subject of unidentified flying objects?" The Department's policy on UFOs has been explained to Section 40 on several occasions, as early as 12 August 1996. I attach a copy of this letter for your information. The position is that the Ministry of Defence has only a very limited defence interest in UFO issues, which is to establish from sighting reports whether there has been any breach of the UK Air Defence Region. Investigations into sightings are only carried out if there is corroborative evidence that such a breach has occurred.

Section 40 third request is for "abstracts from all unidentified flying object reports specifically from commercial pilots, military pilots and radar personnel specifically witnessed between 0100 Hrs 28th July 1998 and 0100 Hrs 28th July 1999. I would specifically like to see

1. Estimated sizes, shapes and speeds of unidentified flying objects
2. Unusual flight patterns of unidentified flying objects
3. Conclusions reached by MoD on unidentified flying objects".

This is a narrowing of a request made in March 1 1998 for "all information relating to radar and visual sightings by our armed forces from at least the last five years but preferably the last thirty years." The initial request was refused on the grounds that it could only be provided at disproportionate cost and Section 40 sought an internal review. The decision not to release under exemption 9 of the Code (vexatious or voluminous requests) was upheld in the internal review. Section 40 narrower request for information between 28th July 1998 and 28th July 1999 was also rejected on grounds of disproportionate cost.

I am satisfied that this decision was justified under the terms of the Code of Practice on Access to Government Information.

The Guidance to the Code states that exemption 9 can be invoked where meeting a request would require an unreasonable diversion of resources because of the amount of information sought or difficulties in identifying, locating or collating it.

Even meeting Section 40 request for abstracts from UFO sighting reports from 28th July 1998 to 28th July 1999 would involve a considerable amount of work, both because of the volume of information sought and because of particular difficulties in publishing it. The Department receives about 400 sighting reports a year, very few of which require any form of follow up. On top of this, we receive about the same number of letters from members of the public on UFO issues, some of which may also contain sighting reports. To meet Section 40 request, we would therefore need to scrutinise, and copy as appropriate, about 800 pieces of correspondence. There is the additional problem that, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. This would take additional time. In total, we estimate that it would take about 14 working hours to handle the request. Because UFO issues are normally handled by only two junior members of staff, and comprise only a small element of their much wider-ranging tasks, and because the senior of these two posts is currently gapped as a result of our Departmental policy for postings/promotion arrangements and the more junior desk officer is very new to post, a Grade 7 would have to be assigned to handling the bulk of the request. This would necessarily entail an unreasonable diversion of resources.

Last year we considered whether it would be practical to release our UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. I am advised, however, that because of the need to blank out personal information, releasing the files early would be very time-consuming that it could impact on our overall Departmental programme of releasing documents to the PRO.

However, despite these considerations, I have asked the responsible division within the Department exceptionally to make the information available to Section 40 This is because I am determined that the Department is, and is seen to be, as open as possible. I also want Section 40 to see that we are not withholding significant

information in this area and that we try to respond to the growing public demand for information on UFO issues as best we can within the very real constraints of our limited Departmental interest and resources. Our position nonetheless remains that the provision of this information is a one-off exercise that would normally be considered an unreasonable diversion of resources. As explained above, there would be significant resource problems in repeating this exercise.

Given the extent of the work involved, we would need to charge Section 40 for the provision of the information requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. On this occasion, I have decided that the charge should be abated by 50% as a gesture of goodwill. We would therefore charge a maximum of £75, if Section 40 Section 40 wished us to carry out the task.

The Department's general handling of Section 40 correspondence

I believe that Section 40 requests, which amount to over 35 letters since July 1996, have been handled according to the Code of Practice on Access to Government Information. Almost all letters have been answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to Section 40 during his internal review. The one identified shortcoming was the failure to answer Section 40 Section 40 letter of 28 July 1999 within 20 working days. This was because of temporary staffing shortages in the responsible division and reflects the limited Departmental interest in the subject, the scarcity of resources made available to the task and the volume and frequency of Section 40 correspondence. However, Section 40 Section 40 should have been sent a holding reply and this omission has been acknowledged by the division concerned. It may also be that more should have been done to explain to Section 40 why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

We have issued Department-wide instructions regarding the Code and we are continuing to promote awareness of it. I am satisfied that our general performance against the Code is good.

If you are content with this approach, I am happy for you to inform Section 40 through his MP. I expect that it should be possible to provide Section 40 with the information requested by the end of February. The point of contact in the Department is:

Section 40

Sec(AS)2

Ministry of Defence

Rm 8247 Main Building

Whitehall

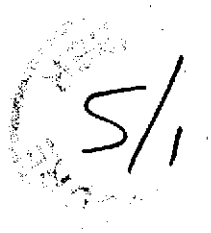
London SW1A 2HB

Tel Section 40

LOOSE MINUTE

D/DOMD/2/10

22 December 1999



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OMBUDSMAN INVESTIGATION OF OPEN GOVERNMENT COMPLAINT: Section 40 [redacted]

Reference:

A. D/PUS/23/7(1259) dated 16 December 1999

Issue

1. How to respond to the Parliamentary Ombudsman's invitation to comment on the complaint by Section 40 [redacted] that he was not provided with information requested under the Code of Practice on Access to Government Information (Ref A).

Recommendation

2. That PUS replies to the Ombudsman's Office along the lines of the attached draft.

Timing

3. The Ombudsman originally asked for a response by 23 December. We have, however, agreed an extension to 12 January 2000.

Background

4. In his letter of 2 December 1999 (ref A.7/00), Section 40 [redacted] Director of the Office of the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman), notified PUS of a complaint received against MOD concerning the Code of Practice on Access to Government Information (the Code). He invited PUS to comment on the complaint.

5. The Ombudsman is authorised to investigate complaints relating to the Code, for instance that information requested has not been provided, and make recommendations about any action he believes is required to rectify the complaint. The Ombudsman will not, however, investigate complaints until a Department's internal review procedure has been completed. Complaints to the Ombudsman have to be made through an MP.

6. In this case, the requester, Section 40 who is a committed ufologist and regular correspondent with Sec(AS), has obtained the backing of his MP, Ieuan Wyn Jones (Ynys Mon), to take his case to the Ombudsman. Overall, MOD has a good record in applying the Code. This is only the third complaint against MOD that the Ombudsman has investigated since the Code was introduced in 1994. We are still awaiting the outcome of the Ombudsman's last investigation, on which PUS commented on 27 May 1999 (ref. D/PUS/23/7(225)).

7. A chronology of Section 40 complaint is provided in the letter to PUS from the Ombudsman's Office. In summary Section 40 has made three requests:

(a) That we confirm the following statements, which are his own interpretation of information held at the Public Record Office

- An incident occurred on 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin;

- It was official MOD policy to play down the significance of unidentified flying objects;

- Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace.

(b) That we confirm whether it is now, in 1999, MOD policy to play down the significance of unidentified flying objects.

(c) That we provide him with abstracts from all unidentified flying object reports, specifically those from commercial pilots, military pilots and radar personnel, giving details of the estimated sizes, shapes and speeds of craft, unusual flight patterns and conclusions reached by MOD in each case. ~~Initially, this request was not bounded by a timeframe, but in his letter of 28 July 1999,~~ Section 40 ~~limited it to~~ **for** the period 28 July 1998 to 28 July 1999.

8. With regard to Section 40 first request at 7(a), Sec(AS) replied on 24 June 1998 and 6 July 1998 that all the information regarding these statements had been forwarded to the Public Record Office and was therefore already in the public domain. There was nothing we could add to it. This decision was upheld in DOMD's internal review of 30 July 1998, and was repeated by USofS in his letter of 14 October 1999 to Ieuan Wyn Jones MP.

9. With regard to Section 40 second request at 7(b), Sec(AS) explained **as early as their letter of 12 August 1996** MOD's current policy on UFOs ~~in their letter of 1 June 1998~~, copy attached **and have reminded him on a number of occasions since that time.** ~~[CHECK: SEC(AS) TO PROVIDE LETTER].~~ MOD has only a very limited defence interest in UFO issues, which is to establish from sighting reports whether there has been any breach of the UK Air Defence Region. Investigations into sightings are only carried out if there is **corroborated** evidence **to suggest** that such a breach has occurred.

10. With regard to Section 40 ~~third request at~~ 7(c), Section 40 **originally requested in March 1998, that MOD should share with him "all information relating to radar and visual sightings by our armed forces from at least the last five years but preferably the last thirty years." The request was ~~this went straight to an~~ subject to an** internal review **in July 1998**, where it was refused under Exemption 9 of the Code (vexatious or voluminous requests). It was decided that providing the information would require an unreasonable diversion of resources. Section 40 Section 40 then narrowed the timescale for his request down to the period 28 July 1998 to 28 July 1999. In his reply of 14 October 1999, USofS indicated that this still could not be answered without an unreasonable diversion of resources.

11. There are two elements that the Ombudsman will be investigating:

a. Disclosure: is MOD's decision not to disclose information justified under the terms of the Code and its exemptions

b. Handling: in accordance with the Code, were Section 40 requests answered within 20 working days, was he made aware of the complaints procedure and were Code exemptions cited when information was withheld?

12. Disclosure issues. In my view, my predecessor as DOMD was correct to conclude in the internal review that we could not provide Section 40 with further comment on his statements in para 7(a) above. These were not requests for information, but rather requests for us to confirm alleged incidents and policy from the 1950s and 1960s. As we pointed out, all the information relating to that time period is already in the public domain, and we are not in a position to provide any additional comment on it. With regard to Section 40 second request at 7(b), I am satisfied that MOD's current policy on UFOs was properly explained to Section 40 in the letter from Sec(AS) **as early as 12 August 1996 and as late as USofS's letter to his MP dated 14 October 1999** ~~of 1 June 1998~~.

13. With regard to Section 40 request for reports on UFO sightings, as explained in para 7(c) above, I am satisfied that our initial decision to withhold the information under exemption 9 of the Code is justifiable. The Guidance to the Code states that exemption 9 can be invoked where meeting a request would require an unreasonable diversion of resources because of the amount of information sought or difficulties in identifying, locating or collating it.

14. Meeting Section 40 request for abstracts from UFO sighting reports from 28 July 1998 to 28 July 1999 would involve a considerable amount of work, both because of the volume of information sought and because of particular difficulties in publishing it. The Department receives about **400** ~~500-600~~ sighting reports a year, very few of which require any form of follow up. On top of this, we receive about the same number of letters from members of the public on UFO issues, some of which may also contain sighting reports. To meet Section 40 request, we would therefore need to scrutinise, and copy as appropriate, about **800** ~~1,000~~ pieces of correspondence. There is the additional problem that, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. This would take additional time. In total, Sec(AS) estimate that it would take at least 14 working-hours to provide the information requested. **Staff resources dedicated to UFO-related issues comprise some 20% at EO level and 50% AO level. The EO post is currently gapped awaiting a new member of staff**

and the AO has been in post only some 6 weeks. Most of the work would **therefore** have to be done by **the a** Grade 7~~, because the EO and AO who handle UFO issues are new and therefore unfamiliar~~ **the only desk officer familiar** with the issues involved.

15. **Last year we** ~~We have also~~ considered whether it would be practical to release ~~our~~ UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. Defence Records, ~~however, have~~ advised that because of the need to blank out personal information, releasing files early would be so time-consuming that it could set back our overall **Departmental** programme of releasing documents to the PRO **by [insert timescale]**.

16. **Nonetheless, in light of** Section 40 **appeal to the Ombudsman, Head of Sec(AS) believes that there would be benefit in attempting to meet** Section 40 **request for reports of UFO sightings between 28 July 1998 and 28 July 1999.** This would demonstrate the Department's commitment to openness and would attempt to allay Section 40 concern that the Department is withholding significant information. The draft letter to the Ombudsman reflects this, and emphasises that this is intended to be a one-off exercise that would normally be regarded as an unreasonable diversion of resources. Given the extent of the work involved, we would normally charge for the provision of this information. MOD's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. However, as ~~we are making~~ a ~~voluntary~~ gesture of **goodwill** ~~openness~~, I recommend that we **abate** ~~waive~~ the charge in this case **by 50%**.

17. Handling issues. These are unlikely to be significant if we are going to provide Section 40 with the information he requested. ~~On the whole,~~ I believe that Section 40 Section 40 **correspondence** ~~requests~~, which amount to over 35 letters since July 1996, have been handled according to the Code of Practice on Access to Government Information. Almost all letters were answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to Section 40 during his internal review. **The one identified** ~~One obvious~~ shortcoming~~, however,~~ was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. This was because of temporary staffing shortages in Sec(AS) **and a reflection of the limited Departmental interest in the subject, the consequent scarcity of resources made available to the task and the volume and frequency of** Section 40 **correspondence**. In this situation Section 40 should have been sent a holding reply. It may also be that more should have been done to explain to Section 40 why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

18. Presentational aspects. Subject to the Ombudsman's conclusions, we should present this as another example of MOD's commitment to openness. In this regard, it is important that this is seen as a voluntary gesture of openness rather than as something we were forced to do by the Ombudsman.

19. Conclusion. Given Sec(AS) offer to release the information requested, it is unlikely that the Ombudsman's report will be critical of MOD on the question of disclosure. There may, however, be minor criticism of the way some of Section 40 correspondence was handled. The attached draft reply reflects these points.

Section 40

DOMD

Section 40 [redacted]

DRAFT REPLY FROM PUS TO THE OMBUDSMAN'S OFFICE

Section 40 [redacted]
Office of the Parliamentary Commissioner for Administration
15th Floor
Millbank Tower
Millbank
London SW1P 4QP

I am writing to you in response to the letter from Section 40 [redacted] of 2 December 1999 (your ref A.7/00) concerning the complaint from Section 40 [redacted] about release of information under the Code of Practice on Access to Government Information.

I have considered the complaint in two parts: the question of disclosure in the context of the Code of Practice on Access to Government Information; and the Department's general handling of Section 40 [redacted] requests for information.

Disclosure in the context of the Code of Practice on Access to Government Information

Section 40 [redacted] has made three requests. In the first place, he asked: "Does the MoD, now in 1999, agree with the following specific statements contained in historical records

1) An incident occurred on the 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin.
2) It was official MOD policy to play down the significance of unidentified flying objects
3) Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace."

The reply given to Section 40 [redacted] (D/Sec(AS)/64/3 dated 6 July 1998) explained that all the available information regarding these statements has been given to the Public Record Office and is therefore in the public domain. It also stated that we cannot provide any official comment on those records. This view was upheld in the internal review and I am satisfied that this was the correct, indeed the only, position we could take. It is simply not within our remit to provide an official Departmental comment on alleged incidents and policy from the 1950s and 1960s. The files are in the Public Record Office and they are open to anyone to draw their own conclusions.

Section 40 [redacted] second request was "is it now, in 1999, official MOD policy to play down the subject of unidentified flying objects?" The Department's policy on UFOs **has been** ~~was~~ explained to Section 40 [redacted] on several occasions, **as early as 12 August 1996** ~~for example in a letter dated 1 June 1998 [SEC(AS) TO PROVIDE COPY].~~ I attach a copy of this letter for your information. The position is that the Ministry of Defence has only a very limited defence interest in UFO issues, which is to establish from sighting reports whether there has been any breach of the UK Air Defence

Region. Investigations into sightings are only carried out if there is **corroborative** evidence that such a breach has occurred.

Section 40 third request ~~was for "access to details on aerial phenomena that have been observed by RAF pilots and ground crew both visually and by radar . . . my interest is primarily in the types of aircraft witnessed (shape, size and performance), their location and their dates". This request was handled directly at the internal review stage, where it was refused under exemption 9 of the Code (voluminous or vexatious requests). Following this decision,~~ Section 40 ~~narrowed his request down to~~ **for** "abstracts from all unidentified flying object reports specifically from commercial pilots, military pilots and radar personnel specifically witnessed between 0100 Hrs 28th July 1998 and 0100 Hrs 28th July 1999. I would specifically like to see

1. Estimated sizes, shapes and speeds of unidentified flying objects
2. Unusual flight patterns of unidentified flying objects
3. Conclusions reached by MoD on unidentified flying objects".

This is a narrowing of a request made in March 1 1998 for "all information relating to radar and visual sightings by our armed forces from at least the last five years but preferably the last thirty years." This request was refused ~~This request was again rejected~~ on the grounds that it could only be provided at disproportionate cost **and** Section 40 **sought an internal review. The request was again rejected under exemption 9 of the Code (vexatious or voluminous requests).**

I am satisfied that this decision was justified under the terms of the Code of Practice on Access to Government Information.

The Guidance to the Code states that exemption 9 can be invoked where meeting a request would require an unreasonable diversion of resources because of the amount of information sought or difficulties in identifying, locating or collating it.

Even m~~M~~eeting Section 40 request for abstracts from UFO sighting reports from 28 July 1998 to 28 July 1999 would involve a considerable amount of work, both because of the volume of information sought and because of particular difficulties in publishing it. The Department receives about **400** ~~500-600~~ sighting reports a year, very few of which require any form of follow up. On top of this, we receive about the same number of letters from members of the public on UFO issues, some of which may also contain sighting reports. To meet Section 40 request, we would therefore need to scrutinise, and copy as appropriate, about **800** ~~1,000~~ pieces of correspondence. There is the additional problem that, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. This would take additional time. In total, we estimate that it would take about 14 working hours to handle the request. Because UFO issues are normally handled by only two junior members of staff, ~~who are both new in post,~~ **and comprise only a small element of their much wider-ranging tasks, and because the senior of these two posts is currently gapped as a result of our Departmental policy for postings/promotion arrangements and the more junior desk officer is very new to post,** a Grade 7 would have to be assigned to handling the bulk of the request. This would necessarily entail an unreasonable diversion of resources.

Last year we ~~We have also~~ considered whether it would be practical to release our UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. I am advised, however, that because of the need to blank out personal information,

releasing files early would be so time-consuming that it could set back our overall **Departmental** programme of releasing documents to the PRO **by [insert timescale]**.

However, despite these considerations, I have asked the responsible division within the Department **exceptionally** to make the information available to Section 40 This is because I am determined that the Department is, and is seen to be, as open as possible. I ~~am~~ also **want** ~~keen to allay~~ Section 40 ~~concerns~~ **to understand** that we are **not** withholding significant information in this area **and that we try**, ~~as well as~~ to respond to the growing public demand for information on UFO issues **as best we can within the very real constraints of our limited Departmental interest and resources**. Our position nonetheless remains that the provision of this information is a one-off exercise that would normally be considered an unreasonable diversion of resources. As explained above, there would be significant resource problems in repeating this exercise.

Given the extent of the work involved, we would **need to** ~~propose a~~ charge Section 40 Section 40 for the provision of the information Section 40 ~~has~~ requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. On this occasion, I have decided that the charge **should be abated by 50% as a gesture of goodwill. We would therefore charge a maximum of £75, if** Section 40 **wished us to carry out the review** ~~will be waived, as the Department has chosen to carry out non-essential work as a special exercise to demonstrate that we will be open wherever possible under the terms of the Code of Practice~~.

The Department's general handling of Section 40 correspondence

~~On the whole,~~ I believe that Section 40 requests, which amount to over 35 letters since July 1996, have been handled according to the Code of Practice on Access to Government Information. Almost all letters **have been** ~~were~~ answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to Section 40 during his internal review. **The one identified** ~~One obvious~~ shortcoming, ~~however,~~ was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. This was because of temporary staffing shortages in the responsible division **and a reflection of the limited Departmental interest in the subject, the scarcity of resources made available to the task and the volume and frequency of** Section 40 **correspondence**. **However,** ~~In this situation, I accept that~~ Section 40 should have been sent a holding reply and this omission has been **acknowledged by** ~~brought to the attention of~~ the division concerned. It may also be that more should have been done to explain to Section 40 why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

We have issued Department-wide instructions regarding the Code and we are continuing to promote awareness of it. I am satisfied that our general performance against the Code is good.

If you are content with this approach, I am happy for you to inform Section 40 through his MP. I expect that it should be possible to provide Section 40 with the information requested by the end of **February** ~~January [SEC(AS) TO CONFIRM OR AMEND AS APPROPRIATE]~~. The point of contact in the Department is:

Section 40

Sec(AS)2
Ministry of Defence
Rm 8247 Main Building
Whitehall
London SW1A 2HB

Tel Section 40 [redacted]

5 +1

SEC(AS)2

From: OMD14
Sent: 22 December 1999 17:29
To: HD OF SEC(AS); Hd of DR
Cc: SEC(AS)2; OMD/AD(E+MG); PS/DOMD
Subject: Parliamentary Ombudsman investigation: Section 40
Importance: High

PSA draft submission to PUS for your comments.

We spoke to the Ombudsman's Office today and they agreed to extend the deadline until 12 January, on the understanding that we are looking to release the requested information early in the New Year. Obviously, we couldn't give a guarantee on this in advance of PUS's decision, but we indicated that we were thinking along these lines.

If possible, I would welcome your comments by COP Thursday (copied to PS/DOMD) so that we can send this to PS/PUS before the Christmas break.

Many thanks,

Section 40
Section 40
OMD14
Section 40

LOOSE MINUTE

D/DOMD/2/10

22 December 1999

PS/PUS

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Hd of Sec(AS)
Hd of DR

OMBUDSMAN INVESTIGATION OF OPEN GOVERNMENT COMPLAINT: Section 40

Reference:
A. D/PUS/23/7(1259) dated 16 December 1999

Issue

1. How to respond to the Parliamentary Ombudsman's invitation to comment on the complaint by Section 40 that he was not provided with information requested under the Code of Practice on Access to Government Information (Ref A).

Recommendation

2. That PUS replies to the Ombudsman's Office along the lines of the attached draft.

Timing

3. The Ombudsman originally asked for a response by 23 December. We have, however, agreed an extension to 12 January 2000.

Background

4. In his letter of 2 December 1999 (ref A.7/00), Section 40 Director of the Office of the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman), notified PUS of a complaint received against MOD concerning the Code of Practice on Access to Government Information (the Code). He invited PUS to comment on the complaint.

5. The Ombudsman is authorised to investigate complaints relating to the Code, for instance that information requested has not been provided, and make recommendations about any action he believes is required to rectify the complaint. The Ombudsman will not, however, investigate complaints until a Department's internal review procedure has been completed. Complaints to the Ombudsman have to be made through an MP.

6. In this case, the requester, Section 40 who is a committed "ufologist" and regular correspondent with Sec(AS), has obtained the backing of his MP, Ieuan Wyn Jones (Ynys Mon), to take his case to the Ombudsman. Overall, MOD has a good record in applying the Code. This is only the third complaint against MOD that the Ombudsman has investigated since the Code was introduced in 1994. We are still awaiting the outcome of the Ombudsman's last investigation, on which PUS commented on 27 May 1999 (ref. D/PUS/23/7(225)).

7. A chronology of Section 40 complaint is provided in the letter to PUS from the Ombudsman's Office. In summary, Section 40 has made three requests:

(a) That we confirm the following statements, which are his own interpretation of information held at the Public Record Office

- An incident occurred on 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin;

- It was official MOD policy to play down the significance of unidentified flying objects;

- Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace.

(b) That we confirm whether it is now, in 1999, MOD policy to play down the significance of unidentified flying objects.

(c) That we ~~provide~~ him with abstracts from all unidentified flying object reports, specifically those from commercial pilots, military pilots and radar personnel, giving details of the estimated sizes, shapes and speeds of craft, unusual flight patterns and conclusions reached by MOD in each case. Initially, this request was not bounded by a timeframe, but in his letter of 28 July 1999, Section 40 limited it to the period 28 July 1998 to 28 July 1999 and included commercial pilots in the list of those reporting alleged sightings.

8. With regard to Section 40 first request at 7(a), Sec(AS) replied on 24 June 1998 and 6 July 1998 that all the information regarding these statements had been forwarded to the Public Record Office and was therefore already in the public domain. There was nothing we could add to it. This decision was upheld in DOMD's internal review of 30 July 1998, and was repeated by USofS in his letter of 14 October 1999 to Ieuan Wyn Jones MP.

9. With regard to Section 40 second request at 7(b), Sec(AS) explained MOD's current policy on UFOs in their letter of 1 June 1998, copy attached **[~~CHECK: SEC(AS) TO PROVIDE LETTER~~]**. MOD has only a very limited defence interest in UFO issues, which is to establish from sighting reports whether there has been any breach of the UK Air Defence Region. Investigations into sightings are only carried out if there is evidence that such a breach has occurred.

10. With regard to Section 40 third request at 7(c), this went straight to an internal review, where it was refused under Exemption 9 of the Code (vexatious or

voluminous requests). It was decided that providing the information would require an unreasonable diversion of resources. Section 40 then narrowed the timescale for his request down to the period 28 July 1998 to 28 July 1999. In his reply of 14 October 1999, USofS indicated that this still could not be answered without an unreasonable diversion of resources.

11. There are two elements that the Ombudsman will be investigating:

a. Disclosure: is MOD's decision not to disclose information justified under the terms of the Code and its exemptions

b. Handling: in accordance with the Code, were Section 40 requests answered within 20 working days, was he made aware of the complaints procedure and were Code exemptions cited when information was withheld?

12. Disclosure issues. In my view, my predecessor as DOMD was correct to conclude in the internal review that we could not provide Section 40 with further comment on his statements in para 7(a) above. These were not requests for information, but rather requests for us to confirm alleged incidents and policy from the 1950s and 1960s. As we pointed out, all the information relating to that time period is already in the public domain, and we are not in a position to provide any additional comment on it. With regard to Section 40 second request at 7(b), I am satisfied that MOD's current policy on UFOs was properly explained to Section 40 in the letter from Sec(AS) of 1 ~~June 1998~~. ... and, most recently, in late Oct USofS's letter of October 1999 (attached)

13. With regard to Section 40 request for ~~reports~~ on UFO sightings, as explained in para 7(c) above, I am satisfied that our initial decision to withhold the information under exemption 9 of the Code was justifiable. The Guidance to the Code states that exemption 9 can be invoked where meeting a request would require an unreasonable diversion of resources because of the amount of information sought or difficulties in identifying, locating or collating it.

14. Meeting Section 40 request for abstracts from UFO sighting reports from 28 July 1998 to 28 July 1999 would involve a considerable amount of work, both because of the volume of information sought and because of particular difficulties in publishing it. The Department receives about 500-600 sighting reports a year, very few of which require any form of follow up. On top of this, we receive about the same number of letters from members of the public on UFO issues, some of which may also contain sighting reports. To meet Section 40 request, we would therefore need to scrutinise, and copy as appropriate, about ~~1,000~~ 600 pieces of correspondence. There is the additional problem that, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to publication. This would take additional time. In total, Sec(AS) estimate that it would take at least 14 working-hours to provide the information requested. Most of the work would have to be done by a Grade 7 because the EO and AO who handle UFO issues are new and therefore unfamiliar with the issues involved.

15. We ~~have also~~ considered whether it would be practical to release our UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. Defence Records, however, ~~have~~ advised that because of the need to blank out personal information, releasing files early would be so time-consuming that it could set back our overall programme of releasing documents to the PRO.

16. **Nonetheless, in light of [redacted] appeal to the Ombudsman, Head of Sec(AS) believes that there would be benefit in attempting to meet [redacted] request for reports of UFO sightings between 28 July 1998 and 28 July 1999.** This would demonstrate the Department's commitment to openness and would attempt to allay [redacted] concern that the Department is withholding significant information. The draft letter to the Ombudsman reflects this, and emphasises that this is intended to be a one-off exercise that would normally be regarded as an unreasonable diversion of resources. Given the extent of the work involved, we would normally charge for the provision of this information. MOD's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in [redacted] case to a proposed charge of £150. However, as we are making a voluntary gesture of openness, I recommend that we waive the charge in this case. [insert [redacted] words]

17. <u>Handling issues.</u> These are unlikely to be significant if we are going to provide [redacted] with the information he requested. ~~On the whole~~, I believe that [redacted] ~~requests~~ [correspondence], which amount to over 35 letters since July 1996, ~~have~~ [was] been handled according to the Code of Practice on Access to Government Information. Almost all letters were answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to [redacted] during his internal review. One obvious shortcoming, however, was the failure to answer [redacted] [redacted] of 28 July 1999 within 20 working days. This was because of ~~temporary~~ [gapped posts creating] [redacted] staffing shortages in Sec(AS). ~~In this situation~~ [redacted] should have been sent a holding reply. It may also be that more should have been done to explain to [redacted] why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

18. <u>Presentational aspects.</u> Subject to the Ombudsman's conclusions, we should present this as another example of MOD's commitment to openness. In this regard, it is important that this is seen as a voluntary gesture of openness rather than as something we were forced to do by the Ombudsman.

19. <u>Conclusion.</u> Given Sec(AS) offer to release the information requested, it is unlikely that the Ombudsman's report will be critical of MOD on the question of disclosure. There may, however, be minor criticism of the way some of [redacted] correspondence was handled. The attached draft reply reflects these points.

[redacted]

DOMD

[redacted]

DRAFT REPLY FROM PUS TO THE OMBUDSMAN'S OFFICE

Section 40 [redacted]
Office of the Parliamentary Commissioner for Administration
15th Floor
Millbank Tower
Millbank
London SW1P 4QP

I am writing to you in response to the letter from Section 40 [redacted] of 2 December 1999 (your ref A.7/00) concerning the complaint from Section 40 [redacted] about release of information under the Code of Practice on Access to Government Information.

I have considered the complaint in two parts: the question of disclosure in the context of the Code of Practice on Access to Government Information; and the Department's general handling of Section 40 [redacted] requests for information.

Disclosure in the context of the Code of Practice on Access to Government Information

Section 40 [redacted] has made three requests. In the first place, he asked: "Does the MoD, now in 1999, agree with the following specific statements contained in historical records

1) An incident occurred on the 4th April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence Investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin.
2) It was official MOD policy to play down the significance of unidentified flying objects
3) Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace."

The reply given to Section 40 [redacted] (D/Sec(AS)/64/3 dated 6 July 1998) explained that all the available information regarding these statements has been given to the Public Record Office and is therefore in the public domain. It also stated that we cannot provide any official comment on those records. This view was upheld in the internal review and I am satisfied that this was the correct, indeed the only, position we could take. It is simply not within our remit to provide an official Departmental comment on alleged incidents and policy from the 1950s and 1960s. All the files are in the Public Record Office and they are open to anyone to draw their own conclusions.

Section 40 [redacted] second request was "is it now, in 1999, official MOD policy to play down the subject of unidentified flying objects?" The Department's policy on UFOs was explained to Section 40 [redacted] on several occasions, for example in a letter dated 1 June 1998 **[SEC(AS) TO PROVIDE COPY]**. I attach a copy of this letter for your information. The position is that the Ministry of Defence has only a very limited defence interest in UFO issues, which is to establish from sighting reports whether there has been any breach of the UK Air Defence Region. Investigations into sightings are only carried out if there is evidence that such a breach has occurred.

Section 40 third request was for "access to details on aerial phenomena that have been observed by RAF pilots and ground crew both visually and by radar . . . my interest is primarily in the types of aircraft witnessed (shape, size and performance), their location and their dates". This request was handled directly at the internal review stage, where it was refused under exemption 9 of the Code (voluminous or vexatious requests). Following this decision, Section 40 narrowed his request down to "abstracts from all unidentified flying object reports specifically from commercial pilots, military pilots and radar personnel specifically witnessed between 0100 Hrs 28th July 1998 and 0100 Hrs 28th July 1999. I would specifically like to see

1. Estimated sizes, shapes and speeds of unidentified flying objects
2. Unusual flight patterns of unidentified flying objects
3. Conclusions reached by MoD on unidentified flying objects."

This request was again rejected on the grounds that it could only be provided at disproportionate cost.

I am satisfied that this decision was justified under the terms of the Code of Practice on Access to Government Information.

The Guidance to the Code states that exemption 9 can be invoked where meeting a request would require an unreasonable diversion of resources because of the amount of information sought or difficulties in identifying, locating or collating it.

Meeting Section 40 request for abstracts from UFO sighting reports from 28 July 1998 to 28 July 1999 would involve a considerable amount of work, both because of the volume of information sought and because of particular difficulties in publishing it. The Department receives about ~~500-600~~ 600 sighting reports a year, very few of which require any form of follow up. On top of this, we receive about the same number of letters from members of the public on UFO issues, some of which may also contain sighting reports. To meet Section 40 request, we would therefore need to scrutinise, and copy as appropriate, about ~~1,000~~ 800 pieces of correspondence. There is the additional problem that, in order to respect third party confidences, personal information relating to the correspondents would have to be blanked out prior to ~~publication~~ release. This would take additional time. In total, we estimate that it would take about 14 working hours to handle the request. ~~Because~~ UFO issues are normally handled by only two junior members of staff, who are both new in post, a Grade 7 would have to be assigned to handling the bulk of the request. This would necessarily entail an unreasonable diversion of resources.

We ~~have also~~ considered whether it would be practical to release ~~our~~ UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. I am advised, however, that because of the need to blank out personal information, releasing files early would be so time-consuming that it could set back our overall programme of releasing documents to the PRO.

However, despite these considerations, I have asked the responsible division within the Department to make the information available to Section 40 This is because I am determined that the Department is, and is seen to be, as open as possible. I am also keen to allay Section 40 concerns that we are withholding significant information in this area, as well as to respond to the growing public demand for information on UFO issues. Our position nonetheless remains that the provision of this information is a one-off exercise that would normally be considered an

unreasonable diversion of resources. As explained above, there would be significant resource problems in repeating this exercise.

Given the extent of the work involved, we would normally propose a charge for the provision of the information Section 40 has requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. On this occasion, I have decided that the charge will be waived, as the Department has chosen to carry out non-essential work as a special exercise to demonstrate that we will be open wherever possible under the terms of the Code of Practice.

The Department's general handling of Section 40 correspondence

On the whole, I believe that Section 40 requests, which amount to over 35 letters since July 1996, have been handled according to the Code of Practice on Access to Government Information. Almost all letters were answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to Section 40 during his internal review. One obvious shortcoming, however, was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. This was because of temporary staffing shortages in the responsible division. In this situation, I accept that Section 40 should have been sent a holding reply and this omission has been brought to the attention of the division concerned. It may also be that more should have been done to explain to Section 40 why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

We have issued Department-wide instructions regarding the Code and we are continuing to promote awareness of it. I am satisfied that our general performance against the Code is good.

If you are content with this approach, I am happy for you to inform Section 40 through his MP. I expect that it should be possible to provide Section 40 with the information requested by the end of January **[SEC(AS) TO CONFIRM OR AMEND AS APPROPRIATE]**. The point of contact in the Department is:

Section 40
Sec(AS)2
Ministry of Defence
Rm 8247 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

4

PS/HD OF SEC(AS)

From: OMD14
Sent: 22 December 1999 17:29
To: HD OF SEC(AS); Hd of DR
Cc: SEC(AS)2; OMD/AD(E+MG); PS/DOMD
Subject: Parliamentary Ombudsman investigation: Section 40
Importance: High

PSA draft submission to PUS for your comments.

We spoke to the Ombudsman's Office today and they agreed to extend the deadline until 12 January, on the understanding that we are looking to release the requested information early in the New Year. Obviously, we couldn't give a guarantee on this in advance of PUS's decision, but we indicated that we were thinking along these lines.

If possible, I would welcome your comments by COP Thursday (copied to PS/DOMD) so that we can send this to PS/PUS before the Christmas break.

Many thanks,

Section 40

Section 40
OMD14
Section 40

LOOSE MINUTE

D/DOMD/2/10

22 December 1999

PS/PUS

Copy to:
APS/SofS
PS/USofS
PS/2nd PUS
DGMO
D News
Hd of Sec(AS)
Hd of DR

OMBUDSMAN INVESTIGATION OF OPEN GOVERNMENT COMPLAINT: Section 40

Reference:
A. D/PUS/23/7(1259) dated 16 December 1999

Issue

1. How to respond to the Parliamentary Ombudsman's invitation to comment on the complaint by Section 40 that he was not provided with information requested under the Code of Practice on Access to Government Information (Ref A).

Recommendation

2. That PUS replies to the Ombudsman's Office along the lines of the attached draft.

Timing

3. The Ombudsman originally asked for a response by 23 December. We have, however, agreed an extension to 12 January 2000.

Background

4. In his letter of 2 December 1999 (ref A.7/00) Section 40 Director of the Office of the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman), notified PUS of a complaint received against MOD concerning the Code of Practice on Access to Government Information (the Code). He invited PUS to comment on the complaint.

5. The Ombudsman is authorised to investigate complaints relating to the Code, for instance that information requested has not been provided, and make recommendations about any action he believes is required to rectify the complaint. The Ombudsman will not, however, investigate complaints until a Department's internal review procedure has been completed. Complaints to the Ombudsman have to be made through an MP.

6. In this case, the requester, Section 40 [redacted], who is a committed ufologist and regular correspondent with Sec(AS), has obtained the backing of his MP, Ieuan Wyn Jones (Ynys Mon), to take his case to the Ombudsman. Overall, MOD has a good record in applying the Code. This is only the third complaint against MOD that the Ombudsman has investigated since the Code was introduced in 1994. We are still awaiting the outcome of the Ombudsman's last investigation, on which PUS commented on 27 May 1999 (ref. D/PUS/23/7(225)).

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16. **Nonetheless, in light of** Section 40 **appeal to the Ombudsman, Head of Sec(AS) believes that there would be benefit in attempting to meet** Section 40 **request for reports of UFO sightings between 28 July 1998 and 28 July 1999.** This would demonstrate the Department's commitment to openness and would attempt to allay Section 40 concern that the Department is withholding significant information. The draft letter to the Ombudsman reflects this, and emphasises that this is intended to be a one-off exercise that would normally be regarded as an unreasonable diversion of resources. Given the extent of the work involved, we would normally charge for the provision of this information. MOD's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. However, as ~~we are making~~ a ~~voluntary~~ gesture of goodwill ~~openness~~, I recommend that we ~~waive~~ charge in this case by 50%.

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Section 40
DOMD
Section 40

The one identified and a reflection both of the limited Departmental interest in the subject, the consequent scarcity of resources made available to the task and the volume and frequency of Section 40 correspondence.

DRAFT REPLY FROM PUS TO THE OMBUDSMAN'S OFFICE

Section 40 [redacted]
Office of the Parliamentary Commissioner for Administration
15th Floor
Millbank Tower
Millbank
London SW1P 4QP

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We have also considered whether it would be practical to release our UFO files *en masse* to the Public Record Office ahead of the 30 year schedule. I am advised, however, that because of the need to blank out personal information, releasing files early would be so time-consuming that it could set back our overall programme of releasing documents to the PRO.

However, despite these considerations, exceptionally I have asked the responsible division within the Department to make the information available to Section 40 This is because I am determined that the Department is, and is seen to be, as open as possible. I ~~am~~ also ~~keen to allay~~ want to understand not Section 40 ~~concerns~~ that we are withholding significant information in this area, ~~as well as~~ to respond to the growing public demand for information on UFO issues. Our position nonetheless remains that the provision of this information is a one-off exercise that would normally be considered an

and that we try as best we can within the very real constraints of our limited Departmental interest and resources

unreasonable diversion of resources. As explained above, there would be significant resource problems in repeating this exercise.

Given the extent of the work involved, we would normally need to ~~propose~~ a charge for the provision of the information Section 40 has requested. The Department's policy under the Code is to charge a rate of £15 per hour for every hour worked in excess in of 4 hours to produce non-essential information. This would equate in Section 40 case to a proposed charge of £150. On this occasion, I have decided that the charge should be abated as a gesture of goodwill by 50% ~~will be waived, as the Department has chosen to carry out non-essential work as a special exercise to demonstrate that we will be open wherever possible under the terms of the Code of Practice.~~ We would therefore charge a maximum of £75, ~~not~~ if Section 40 wished us to carry out the review.

The Department's general handling of Section 40 correspondence

~~On the whole~~, I believe that Section 40 requests, which amount to over 35 letters since July 1996, have been handled according to the Code of Practice on Access to Government Information. Almost all letters ~~were~~ have been answered promptly, Code exemptions were cited where appropriate, and the appeals process was explained to Section 40 during his internal review. ~~One obvious~~ shortcoming, ~~however,~~ was the failure to answer Section 40 letter of 28 July 1999 within 20 working days. This was because of temporary staffing shortages in the responsible division. ~~In this situation, I accept that~~ However Section 40 should have been sent a holding reply and this omission has been ~~brought to the attention of~~ acknowledged by the division concerned. It may also be that more should have been done to explain to Section 40 why his request was considered unreasonable and how he could have framed it in a more acceptable manner.

The one identified and a reflection of the limited Departmental interest in the subject, the consequent scarcity of resources made available to the task and the volume and frequency of Section 40 correspondence

We have issued Department-wide instructions regarding the Code and we are continuing to promote awareness of it. I am satisfied that our general performance against the Code is good.

If you are content with this approach, I am happy for you to inform Section 40 through his MP. I expect that it should be possible to provide Section 40 with the information requested by the end of ~~January [SEC(AS) TO CONFIRM OR AMEND AS APPROPRIATE]~~ February. The point of contact in the Department is:

Section 40
Sec(AS)2
Ministry of Defence
Rm 8247 Main Building
Whitehall
London SW1A 2HB

Tel Section 40

Loose Minute

D/Sec(AS)2/64/3

December 1999

OMD/AD(E&MG)

Copy to: fax to [redacted]

DRO
DR1 } by fax with a copy of the reference.

PCA CASE - [redacted]

Reference: D/PUS/23/7 dated 16 December 1999

1. I agreed to provide a first draft for PUS to respond to the PCA.

2. As you will see, there is a square bracketed section about the Department's duty to protect third party confidentiality by use of the 30-year rule that needs approval from DRO and an associated reference for completion. We lifted the text from a Lord Hill Norton Parliamentary Enquiry (CS(RM)/4/6/37 dated 24 September 1998); DRO should, therefore be able to provide a copy of the document concerned.

3. You agreed to arrange the text in the required PCA format. Please let us see the final version before submission to PUS. I am out of the office all day Wednesday 22 December; Head of Sec(AS) has seen the attached and is content.

[redacted]

Sec(AS)2
[redacted]
CHOTS: SEC(AS)2

DRAFT FROM PUS TO PCA

Issue

1. To comment on Section 40 complaint to the PCA concerning information about 'unidentified flying objects'.

Recommendation

2. To note.

Timing

3. Urgent.

Introduction

4. It is Government policy that any air defence or air traffic implications of 'unidentified flying objects (UFOs)' and related issues are for the MOD and CAA respectively. MOD's limited interest is to establish from alleged sighting reports whether the UK Air Defence region (ADR) has been breached by hostile military activity and to reply to any associated correspondence. There is no other Government Department interest in 'UFOs'. Secretariat Air Staff 2 is the MOD focal point and, in consultation with air defence staff and others as necessary, further investigates alleged sightings only where there is sufficient evidence to suggest that a breach of the UK ADR might have occurred. The integrity of UK airspace in peacetime is maintained through a continuous policing of the UK ADR by the RAF and MOD remains vigilant for any potential threat.

2. Unless there is evidence of a potential threat to the UK ADR, and to date no 'UFO' sighting report has revealed such evidence, MOD does not seek to identify what might have been seen. It is important to remember that an object seen in the sky by a member of the public not identifiable to them cannot be assumed to be a flying saucer or alien space vehicle. Rational explanations such as aircraft lights or natural phenomena could be found for these sightings if MOD resources were diverted for this purpose

but there is no defence need for this information. MOD receives some 500-600 sighting reports each year and no follow-up action is taken with the vast majority because they contain insufficient information to substantiate ant threat to the UK ADR. MOD responds to a similar number of letters about 'UFO' related issues each year. Correspondents generally seek to encourage MOD to expand its area of interest to the provision of an aerial identification service (ie to provide a detailed explanation of what they personally were unable to explain), and/or investigate allegations of alien abductions, extra-terrestrial life-forms, animal mutilations, crop circles etc.

Narrative

5. The background of Section 40 correspondence with MOD is set out in a submission provided for the internal review in July 1998 (copy attached).

6. Section 40 has written to MOD on two occasions since the review. In May he drew our attention to a magazine article based on information extracted from a file at the Public Record Office, and asked for a monthly abstract of sighting reports received by MOD to be provided for his personal use. In July Section 40 Section 40 wrote urging once more that MOD agree his interpretation of historic events; he repeated his request to have abstracts from sighting reports. I am afraid that the knock-on effect of a short period of reduced staff numbers July/August this year in the MOD section dealing with 'UFO'-related correspondence and the need to train new staff caused a delay in dealing with public correspondence. Section 40 concerned not to have received a response, enlisted his MP's help. (Copies of the correspondence attached.)

Specific Complaints

7. The only issue mentioned by the PCA not covered by the 1998 internal review is Section 40 request to have extracts from sighting reports (sizes, shapes, speeds, flight patterns). As no investigations are made when what has been reported poses no threat to the UK, detailed investigations would be required to obtain the information Section 40 seeks. There are no resources to do this; obtaining the information, even for a 12-month period would require a diversion of considerable effort

to scrutinise the 800-1,000 documents (reports and letters since sightings are also detailed in correspondence), carry out he investigations and draft material specifically for his personal use. For these reasons the request was refused under Exemption 9 of the Code. The reports themselves cannot be released to Section 40 unless all of the personal details are removed. [MOD legal advice is that the Public Record Act gives an implied override of the Department's duty to protect third party confidentiality by use of the 30-year rule (all 'UFO' sighting reports and letters contain the personal details (names, addresses and telephone numbers etc of "witnesses"). Release of records pertaining to that period is not, therefore, a problem but the Department would be at risk of legal action for breach of confidence if it released documents containing the details of members of the public before that point.] Again, sanitising the material would be a time-consuming, non-defence related task.

Conclusion

8. Section 40 is one of a small number of committed 'ufologists' keen to expand MOD's limited interest in 'UFOs'. He has explored all possible means to promote his cause and remains frustrated that there is no defence need for MOD to widen its interest in the subject and has no resources available to support his own personal research.

Documentary evidence attached

- A copy of the MOD internal review submission (D/Sec(AS)/64/3 (MF 159/98) of 15 July 1998).
- MOD's response to Section 40 D/DOMD/2/3/2 of 30 July 1998).
- Section 40 letter of 23 May 1999 and MOD's response dated 4 June 1999.
- Ieuan Wyn Jones' letter of 20 September 1999 covering Section 40 of 28 July and the Under Secretary of State's response dated 14 October 1999.
- [?????? to CS(RM) of September 1998]

HD/Sec (AS)

Reference D/PUS/23/7 (259)

Parliamentary Ombudsman – Section 40

Section 40

1. I attach a copy of a letter /~~minute~~ dated 2 Dec 99

from Section 40 to PUS

2. Will you please:

~~A. Take any necessary action and, if appropriate, reply direct.~~

~~B. Submit advice/comment.~~

C. Submit advice together with a draft reply.

~~D. Note the attached for information.~~

3. Please submit this by Midday 22 Dec 99

4. The Open Government Code of Practice came into force on 4th April 1994. You should ensure that all replies to members of the public are provided in accordance with the procedures as set out in the Code. A full explanation of the Code of Practice is contained in DCI GEN 223/99; further information is available in the CHOTS public area or from OMD 14 on telephone extension Section 40

Copies go to:

DOMD

APS/USofS

Hd Sec (AS) – Apologies for the short turnaround – grateful if you would collaborate with DOMD on this.

Section 40

Section 40 APS/PUS

Section 40

FAX Section 40

CHOTS PUS Outer Office

Date 16 Dec 99

23/7

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 0171 217 3000. FAX Section 40 DIRECT LINE Section 40

Kevin Tebbit CMG
Permanent Secretary
Ministry of Defence
Main Buildings
Horseguards Avenue
London SW1A 2HB

A1742 Section 40

2 December 1999

Our Ref: A.7/00

Dear PUS,

Section 40

The Parliamentary Ombudsman has been asked by Iuean Wyn Jones MP to investigate a complaint by Section 40. The complaint is summarised in the enclosed statement.

The Ombudsman will be glad to receive your comments on the complaint by 23 December. The person dealing with this case in this Office is Section 40 (Tel: Section 40). I would be grateful if all papers relevant to the complaint could be sent to Section 40 (15th floor, Millbank Tower, Millbank, London SW1P 4QP) by the above date.

Yours sincerely,

Section 40

Section 40

Director

Enc: 1

Parliamentary Commissioner Act 1967

Statement of Complaint: Case No: A.7/00

Complainant: Section 40 [redacted]

1. Section 40 complains that the Ministry of Defence (MOD) refused to supply him with information that should have been made available to him under the Code of Practice on Access to Government Information (the Code).

2. The following account is given:-

(i) (a) Section 40 wrote to MOD on 24 May 1998 about incidents in the 1950s involving 'unidentified flying objects' (UFOs). MOD replied on 24 June. In their letter they explained their policy towards the storage and destruction of files about this subject. They said that all surviving contemporary paperwork had been forwarded to the Public Record Office and, as such, was a matter of public record. In reply (in an undated letter), Section 40 asked them to confirm the following statements as a matter of public record:

'1. An incident occurred on 4 April 1957 and was witnessed by radar operators at the Ministry of Supply Bomb Trials Unit, West Freugh. The resulting Technical Intelligence investigation concluded that the incident was due to the presence of five unconventional [aerial] objects of unidentified type and origin (Ref DDI(Tech)/C.290/3/, report dated 30 April 1957, PRO File AIR 20/9321).

'2. It was official MOD policy to play down the significance of unidentified flying objects (AIR 2/17527).

'3. Non-hostile unidentified aerial craft with design and performance parameters far in excess of cutting edge technology have on occasion been witnessed by HM Armed Forces in UK Airspace (PRO Files AIR 20/9320, AIR 20/9321, AIR 20/9994 and AIR 16/1199).'

2.(i)b MOD wrote back on 6 July, along the same lines as their letter of 24 June.

(ii) Section 40 wrote again to MOD on 25 June 1998, asking for information about visual and radar observations of aerial phenomena by Royal Air Force pilots and ground crew. He asked for details of the types of craft which had been observed (their shape, size and performance), their location and the dates of the incidents. He cited the Code and asked MOD to conduct an internal review of the matter.

(iii) On 10 July 1998, Section 40 wrote to MOD about the three statements (paragraph 2(i) above) and asked them to review his request that they confirm the statements as a matter of public record.

(iv) On 30 July 1998, MOD wrote to Section 40 about the outcome of their review of both requests. In respect of details of 'aerial phenomena', they told him that the information could be withheld under Exemption 9 of the Code because providing it would require an unreasonable diversion of resources. As to the three statements they told him that, to the best of their knowledge, the files held at the Public Record Office contained the full details about any alleged incidents and decisions made at the time in respect of them; all contemporary paperwork was therefore available for public scrutiny. They also told him about his avenue of appeal to the Parliamentary Ombudsman.

(v) On 28 July 1999, Section 40 wrote to the MOD with a more narrowly focussed request for information. He asked for abstracts from all UFO reports witnessed by commercial pilots, military pilots and radar personnel between 0100 Hrs 28 July 1998 and 0100 Hrs on 28 July 1999. He asked for details of

the types of craft which had been observed (their shape, size, speed and unusual flight patterns) and the conclusions reached by MOD on UFOs. He also asked if the MOD now agreed, in 1999, with the three statements given previously (paragraph 2(i) above) and expanded on the second of those statements by asking whether it was now, in 1999, official MOD policy to play down the subject of UFOs.

(vi) MOD replied on 14 October 1999. In their letter they said that the position with regard to the information requested by Section 40 was explained to him in July 1998 and that position remained unchanged. As regards present MOD policy in respect of UFO related issues, they replied that this had been explained to Section 40 on many occasions.

3. Section 40 remains aggrieved that MOD have not provided him with the information requested. He seeks full disclosure.

4. The following departmental references have been quoted.

D/Sec(AS)/64/3
D/DOMD/2/3/2
D/US of S/PK 4291/99/Y

2 December 1999

(670)

→ file ops

HD/Sec (AS)

Reference D/PUS/23/7 (259)

Parliamentary Ombudsman – [redacted]

[redacted]

2

1. I attach a copy of a letter /~~minute~~ dated 2 Dec 99

from [redacted] to PUS

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~~A. Take any necessary action and, if appropriate, reply direct.~~

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[redacted]

[redacted] APS/PUS

[redacted]

FAX [redacted]

CHOTS: PUS Outer Office

Date 16 Dec 99

23/7

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 0171 217 3000, FAX Section 40 DIRECT LINE Section 40

Kevin Tebbit CMG
Permanent Secretary
Ministry of Defence
Main Buildings
Horseguards Avenue
London SW1A 2HB

Section 40

Section 40

2 December 1999

Our Ref: A.7/00

Dear PUS,

Section 40

The Parliamentary Ombudsman has been asked by Iuean Wyn Jones MP to investigate a complaint by Section 40 The complaint is summarised in the enclosed statement.

The Ombudsman will be glad to receive your comments on the complaint by 23 December. The person dealing with this case in this Office is Section 40 (Tel: Section 40 . I would be grateful if all papers relevant to the complaint could be sent to Section 40 (15th floor, Millbank Tower, Millbank, London SW1P 4QP) by the above date.

Yours sincerely,

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Statement of Complaint: Case No: A.7/00

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D/Sec(AS)/64/3
D/DOMD/2/3/2
D/US of S/PK 4291/99/Y

2 December 1999

23/7

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
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Section 40

Section 40

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HD/Sec (AS)

Reference D/PUS/23/7 (259)

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[redacted] APS/PUS

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CHOTS PUS Outer Office

Date 16 Dec 99

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D/DOMD/2/3/2
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2 December 1999

********** -COMM. JOURNAL- ********** DATE 20-DEC-1999 ***** TIME 11:46 *** P.01

MODE = TRANSMISSION START=20-DEC 11:43 END=20-DEC 11:46

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-SECRETARIAT (AIR STAFF) -

********** - ***** - Section 40 [redacted] ********