The National Archives' reference DEFE 24/2042/1

RESTRICTED/UNCLASSIFIED

MOD Form 329D
(Revised 2/99)
PPQ = 100

MINISTRY OF DEFENCE

Date opened (Date of first enclosure)

Registered file number D/Sec(AS)2/64/3/10

Part No. A

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)2

SUBJECT "UFOs" -

Public Correspondence -

Persistent Correspondence -

Section 40 [redacted]

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

DO NOT DESTROY

For permanent preservation in
The National Archives

CLOSED 2014

RCU000087175 TNT

FOR DRO USE ONLY

1st Review date

2nd Review date

PA ACTION

(MOD Form 262F must be completed)

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

RESTRICTED/UNCLASSIFIED

The National Archives' reference DEFE 24/2042/1

Registered File Disposal Form

MOD Form 262F
(Revised 8/95)

FILE TITLE: (Main Heading - Secondary Heading - Tertiary Heading etc)
UFOs — Public Correspondence — Persistent Correspondent.
— Section 40

Reference:
(Prefix and Number): D/DAS/64/3/10
Part: A

PROTECTIVE MARKING (including caveats & descriptors):

Date of last enclosure: 28 July 2003

Date closed: 28 June 2004

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

✔

~~Destroy after _____ years~~ ☐

Forward to CS(RM) after 10 years ☐

FOR PERMANENT RETENTION IN THE NATIONAL ARCHIVES

~~No recommendation~~ ☐

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 INDEFINATE years (from date of last enclosure) for the following reason(s):

	✔		✔	
LEGAL	☐	DEFENCE POLICY	☐	
CONTRACTUAL	☐	ORIGINAL COMMITTEE PAPERS	☐	
FINANCE	☐	OTHER (Specify)	✔	[Public Interest]
AUDIT	☐			

For Permanent retention by agreement with The National Archives.

(Continued overleaf)

The National Archives' reference DEFE 24/2042/1

(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. Section 40

Signature: _____

Name: _____ (Block Capitals)

Grade/Rank: B2 Date: 28/6/04

(Not below HEO/equivalent)

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)

The National Archives' reference DEFE 24/2042/1

ENCLOSURE NUMBER 35.

From: Section 40
Directorate of Air Staff (Lower Airspace)
Operations & Policy 1
MINISTRY OF DEFENCE
Room 6/73, Metropole Building, Northumberland Avenue, London,
WC2N 5BP

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

Section 40

Your Reference

Our Reference
D/DAS/64/3/10
Date
28July 2003

Dear Section 40

I am writing concerning the message you left on our answersphone on the 15th July regarding the 1999 RAF Cosford Open Day Air Show and whether an airmiss was reported by the pilots of the International team whose displays were affected.

An airmiss can only be reported by a pilot who believes that his/her aircraft may have been endangered by the proximity of another aircraft (or, in regulated airspace, where an Air Traffic Controller believes there has been a risk of collision). On both of these occasions an air exclusion zone had been set up so that display aircraft could conduct manoeuvres knowing that there would be no other aircraft in the area. An airmiss was not reported on either day because the civilian aircraft did not get close to the display aircraft. However, as they had entered the exclusion zone, the display leader thought it was unwise to continue and aborted the displays. Details of these incidents were passed to the Civil Aviation Authority for any action they thought necessary.

I hope this clarifies the matter.

Yours sincerely,

Section 40

The National Archives' reference DEFE 24/2042/1

ENCLOSURE 34 NUMBER

RECORD OF MESSAGE LEFT ON DAS (LA – OPS & POL 1) ANSWERPHONE ON TUESDAY 15th JULY 2003 @ 22:15

Caller

Section 40

Section 40 was ringing concerning our reply to his enquiry concerning video footage of a 'UFO' at the 1999 RAF Cosford Open Day Air Show (D/DAS/64/3/10 Enclosure 33 dated 2 July refers). Section 40 said he was unhappy with Squadron Leader Section 40 response and felt that the issue of whether an airmiss or airprox was reported was not answered. He also said that he was thinking of contacting the French aerobatic team involved in the incident and/or other foreign authorities such as the Russian Air Force who he thought would be interested in the footage having experienced similar incidents.

I spoke to Sqdn Ldr Section 40 about a possible Airprox. Checks with Cosford ATC and RAF Shawbury who were providing radar cover revealed that no airprox was filed. A civilian aircraft infringed the air exclusion zone set up for the display and the display leader made the discision to abort the display. The civilian aircraft did not get close to the display aircraft, but as it was in the exclusion zone, the display leader thought it unwise to continue. Details were passed to the CAA for any action they thought necessary.

ENCLOSURE NUMBER 33

From: Section 40
Directorate of Air Staff (Lower Airspace)
Operations & Policy 1
MINISTRY OF DEFENCE
Room 6/73, Metropole Building, Northumberland Avenue, London, WC2N 5BP

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

Section 40

Your Reference

Our Reference
D/DAS/64/3/10
Date
2 July 2003

Dear Section 40

I am writing regarding the message you left on our answerphone on the 17 June concerning an alleged 'UFO' sighting at the 1999 RAF Cosford Open Day Air Show.

I understand that you also contacted RAF Cosford and that the Community Relations Officer, Squadron Leader Section 40 has since written to you explaining the interruptions to the Air Show. I hope this was helpful. You may wish to note, however, that the address given at the end of Squadron Leader Section 40 letter for correspondence regarding UFOs is incorrect. As you may be aware, this is the section within the Directorate of Air Staff for UFO matters and not the Complaints and Enquiries Unit as stated.

Yours sincerely,

Section 40

The National Archives' reference DEFE 24/2042/1

64/3/10

RECORD OF ANSWERPHONE MESSAGE RECEIVED ON TUESDAY 17 JUNE 2003 @ 21:53

Caller

Section 40 [redacted]

Tel: Section 40 [redacted] (mobile)

Section 40 left a message asking if we had received a copy of an approx report on 13 June 1999 at around 15:00. Apparently during an airshow at RAF Cosford a silver object was spotted in the sky about a mile away, estimated at 13,000ft. Aircraft from RAF Lyneham and RAF Kinloss were appearing at the airshow and Section 40 seemed to be claiming that aircraft had to divert due to the object's proximity. He felt the incident was of defence significance as the object was so close to an RAF base. Section 40 also said that the object was picked up by Air Traffic Control as an "uncorrellated target". The French aerospatial team saw the same object on 11 June 2003 while they were conducting a rehearsal for the airshow. He stated that he had in his possession video footage and that ATC at Cosford had agreed to view it.

I spoke to Sqdn Ldr Section 40 CRO RAF Cosford. Section 40 has also written to Cosford and Sqdn Ldr Section 40 has replied. He will send me a copy of his letter which explains the events of 13 June 1999. Basically on the day before the airshow when the French aerobatic team were rehearsing, a civilian aircraft entered the restricted airspace and the French had to abort their practice. On the first day of the airshow, again when the French were displaying, a different civilian aircraft entered the area and the display was stopped. This has been explained to

Section 40 [redacted]

26/6/2003.

The National Archives' reference DEFE 24/2042/1

FROM SQUADRON LEADER Section 40

COMMUNITY RELATIONS OFFICER
ROYAL AIR FORCE COSFORD
WOLVERHAMPTON
WEST MIDLANDS WV7 3EX

INVESTOR IN PEOPLE

Telephone Section 40
(RAFTN Section 40 For Service use only)
FAX Section 40

Section 40

23 June 2003

Dear Section 40

Thank you for your letter of 19th May 2003 requesting information on a object you captured on your video camera during the 1999 RAF Cosford Open Day Air Show, which took place on the second Sunday of the June of that year. My apologises for the delay in replying to your letter, which apparently had been lost in the post for some of that time.

We note that in your letter you describe yourself as an experienced air activity observer, but find it difficult to understand why it has taken you four years to bring this to our attention. As you are undoubtedly aware, after this period of time most of the Service personnel on duty on that day have been posted throughout the wider Royal Air Force and it is almost impossible to contact them all for their recollections of the day. Thatsaid, nothing 'untoward' was brought to our attention on the day, or in the subsequent period, by any of the approximately 45,000 visitors who attended the Air Show, many of whom were also 'experienced air activity observers', nor the approximately 3,000 Service personnel who were on duty during that day. Therefore, this Unit has no further information relating to your observation.

The interruptions to the flying display you mention took place on two separate days. On the Friday preceding the display one of the International team's practise was interrupted by a civil pilot breaching the air exclusion zone set up around and over the airfield for the safety of the display. During the Air Show itself; a different civilian pilot also breached the air exclusion zone during an International Team's display, which was immediately cancelled on air safety grounds. Both civilian pilots were traced and censored by the CAA.

As far as this Unit is concerned the 1999 RAF Cosford Open Day Air Show was a successful event which is now history and four years on we are not interested. However, unexplained aerial sightings are the responsibility of the Ministry of Defence and you could try contacting the Complaints & Enquiries Unit at the following address:

Ministry of Defence
Directorate of Air Staff
Complaints & Enquires Unit
Room 6/64 Metropole Building
Northumberland Avenue
London WC2N 5BP

Yours sincerely,

Section 40

32

FILE NOTE

64/3/10

Section 40 left a message on our answerphone again at 11.25 on Friday 14th February 2003. He was hastening a reply to his earlier message of the 27 January concerning two flying objects over Ditton, Cheshire that he filmed on video on 16 January 2003. He thought the incident was of defence significance, due to the current situation with terrorist alerts etc... Prior to this latest message I had checked with ADGE 1 who confirmed that there was no evidence to suggest that Section 40 report contained anything of defence significance. I had already written back to Section 40 to inform of this but presumably he had not received the letter yet.

The National Archives' reference DEFE 24/2042/1

From: Section 40
Directorate of Air Staff (Lower Airspace)
Operations & Policy 1a
MINISTRY OF DEFENCE
Room 6/73, Metropole Building, Northumberland Avenue, London, WC2N 5BP

Telephone (Direct dial) 020 7218 2140
(Switchboard) 020 7218 9000
(Fax) Section 40
E-Mail das-laopspol1a@defence.mod.uk

Section 40

Your Reference

Our Reference
D/DAS/64/3/10

Date
12 February 2003

Dear Section 40

I am writing with reference to the message you recently left on the DAS(LA) Ops & Pol 1 answerphone, in which you report a sighting of two flying disks over Ditton, Cheshire around 12.06 on 16 January 2003.

We have received no sighting reports for that date from anywhere in the United Kingdom. Enquiries with our air defence experts have confirmed that there is no evidence to suggest that unauthorised military activity, or any other activity of air defence interest, occurred on the 16 January. As you will be aware from previous correspondence, this is our only interest in these matters and I am afraid that it is beyond our remit to assist you further in the identification of these phenomena.

Finally, you mentioned Section 40 who left this office back in Section 40. The views expressed by Section 40 on the subject of "UFOs" are entirely his own personal opinions and do not represent nor reflect the views of the MOD. If you wish to write to him, you may do so via his publishers at Simon & Schuster Ltd., West Garden Place, Kendal Street, London, W2 2AQ.

Yours Sincerely

Section 40

The National Archives' reference DEFE 24/2042/1

D/DAO/1/13

7 Feb 03

DAS(LA)Ops+Pol1a

REPORT FOR [redacted] – 16 JAN 03

Reference:

A. D/DAS/64/2 dated 23 Jan 03.

At Reference, you asked whether the report submitted by [redacted] regarding "two flying discs" over Ditton, Cheshire on 16 Jan 03 represented anything of air defence interest. I have checked with the operational air defence community and can confirm that the incident does not represent anything of air defence interest.

Signed on CHOtS

[redacted]
Wg Cdr
DAO SO1 Air C2
[redacted]

The National Archives' reference DEFE 24/2042/1

LOOSE MINUTE

D/DAS/64/2

23 January 2003

ADGE1

REPORT FOR Section 40 [redacted]

1. Section 40 [redacted] is a regular correspondent who last year appealed to the Parliamentary Ombudsman for papers on the Rendlesham Forest incident withheld under the Code of Practice. This morning Section 40 left a message on our answerphone, reporting a sighting of "two flying disks" over Ditton in Cheshire on Thursday 16 January 2003 at around 12.06 p.m. He says he has video footage of the sighting.

2. I would be grateful if you could let me know if the report represents anything of air defence interest.

Section 40 [redacted]
DAS(LA)Ops+Pol1a
Section 40 [redacted]
CHOTS: DAS-LA-Ops + Pol1a

REPORT OF AN UNEXPLAINED AERIAL SIGHTING

1.	**Date and time of sighting.** (Duration of sighting.)	Thursday 16 January 2003 @ 12.06
2.	**Description of object.** (No of objects, size, shape, colour, brightness, noise.)	2 disks, flying next to each other
3.	**Exact position of observer. Geographical location.** (Indoors/outdoors, stationary/moving.)	Outdoors
4.	**How object was observed.** (Naked eye, binoculars, other optical device, camera or camcorder.)	Naked eye. Filmed with video camera
5.	**Direction in which object was first seen.** (A landmark may be more helpful than a roughly estimated bearing.)	To the south, over Ditton
6.	**Approximate distance.**	
7.	**Movements and speed.** (side to side, up or down, constant, moving fast, slow)	
8.	**Weather conditions during observation.** (cloudy, haze, mist, clear)	Cloudy

9.	**To whom reported.** (Police, military, press etc)	DAS(LA)Ops&Pol1a answerphone
10.	**Name, address and telephone no of informant.**	Section 40 Tel: Section 40
11.	**Other witnesses.**	
12.	**Remarks.**	.
13.	**Date and time of receipt.**	Monday 27th January 2003 @09:00

Return the completed form by fax or post to:

Directorate of Airstaff (Lower Airspace) Operations & Policy 1
Room 6/73
Metropole Building
Northumberland Avenue
WC2N 5BP

Tel: 020 7218 2140
Fax Section 40

31

From: Section 40
Directorate of Air Staff (Lower Airspace)
Operations & Policy 1a
MINISTRY OF DEFENCE
Room 6/73, Metropole Building, Northumberland Avenue, London, WC2N 5BP

Telephone (Direct dial) 020 7218 2140
(Switchboard) 020 7218 9000
(Fax) Section 40
E-Mail das-laopspol1a@defence.mod.uk

Section 40

Your Reference

Our Reference
D/DAS/64/3/10

Date
10 January 2003

Dear Section 40

I am writing with reference to the message you left on the DAS (LA) Ops and Pol 1 answerphone, in which you report a sighting of a black cylindrical object over Preston on the Brook, Cheshire on 3 January 2003.

I can confirm that we have received no sighting reports of 'unidentified flying objects' for that date from anywhere in the United Kingdom.

Yours Sincerely

Section 40

The National Archives' reference DEFE 24/2042/1

REPORT OF AN UNEXPLAINED AERIAL SIGHTING

1.	**Date and time of sighting.** (Duration of sighting.)	Friday 3rd January 2003 @ 11:50 – 12:10
2.	**Description of object.** (No of objects, size, shape, colour, brightness, noise.)	Black cylindrical object
3.	**Exact position of observer. Geographical location.** (Indoors/outdoors, stationary/moving.)	Preston on the Brook, north-west of Runcorn in Cheshire
4.	**How object was observed.** (Naked eye, binoculars, other optical device, camera or camcorder.)	
5.	**Direction in which object was first seen.** (A landmark may be more helpful than a roughly estimated bearing.)	
6.	**Approximate distance.**	
7.	**Movements and speed.** (side to side, up or down, constant, moving fast, slow)	Observed for 20 mins then object disappeared into forest
8.	**Weather conditions during observation.** (cloudy, haze, mist, clear)	

9.	**To whom reported.** (Police, military, press etc)	DAS (LA) Ops & Pol answerphone
10.	**Name, address and telephone no of informant.**	Section 40 [redacted]
11.	**Other witnesses.**	
12.	**Remarks.**	
13.	**Date and time of receipt.**	Monday 6th January 2003 @ 14:33

From: Section 40
Directorate of Air Staff (Lower Airspace)
Operations & Policy 1
MINISTRY OF DEFENCE
Room 6/73, Metropole Building, Northumberland Avenue, London,
WC2N 5BP

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

ENCLOSURE 30 NUMBER

Section 40

Your Reference

Our Reference
D/DAS/64/3/10
Date
24 July 2002

Dear Section 40

I am writing in response to the investigation by the Parliamentary Ombudsman into the decision to withhold three documents from you under Exemption 2 of the Code of Practice on Access to Government Information (the Code).

As you should now be aware, the Ombudsman has concluded that the three documents do fall under the scope of Exemption 2. However, in the particular circumstances of this case he recommended that the documents should nonetheless be provided to you, and MOD has accepted this. Accordingly, I now enclose the relevant documents, anonymised in accordance with the Data Protection Act 1998.

Yours sincerely,

Section 40

The National Archives' reference DEFE 24/2042/1

Reference PQ 7608C

File

E83

M1

Priority

This non-oral question has been allocated to Minister(AF) for answer.

2. Would you please supply a draft reply and background note, together with any relevant Hansard extracts and Press cuttings, to reach this office at the time shown on the front cover.

3. Please submit a copy of the draft answer to PS/USofS(AF) when returning this, allowing sufficient time for USofS(AF) to comment.

REDACTION ON ORIGINAL DOCUMENT

[redacted]

Office of Minister(AF)
Room 6386 Main Building

REDACTION ON ORIGINAL DOCUMENT

21.10.83

M2

APS/Minister(AF) (thro' DUS(Air))

Copy to:
APS/US of S(AF)
Ops(GE)2(RAF)

1. I have placed opposite a draft reply to PQ 7608C.

2. The same background note has been provided for PQ 7607C and PQ 7609C.

21 October 1983

REDACTION ON ORIGINAL DOCUMENT

[redacted]

DS 8

Section 40

[redacted]

CODE 18-77

The National Archives' reference DEFE 24/2042/1

FOR NON ORAL ANSWER

C82

PQ 7608C

SIR PATRICK WALL (CONSERVATIVE) (BEVERLEY)

Sir Patrick Wall - To ask the Secretary of State for Defence whether, in view of the fact that the United States' Air Force memo of 13 January 1981 on the incident at RAF Woodbridge has been released under the Freedom of Information Act, he will now release reports and documents concerning similar unexplained incidents in the United Kingdom.

SUGGESTED ANSWER Section 40 [redacted]

This has been considered. It is the intention to publish reports.

The National Archives' reference DEFE 24/2042/1

E81

Background Note

These three questions follow from the News of the World article of 2 October 1983 (Annex A) describing an alleged UFO sighting by USAF personnel at RAF Woodbridge in Suffolk on 27 December 1980.

The report of 13 January 1981 (Annex B) examined by the Air Staff and DS 8. It was concluded that there was nothing of defence interest in the alleged sighting.

There was, of course, no question of any contact with "alien beings" nor was any unidentified object seen on any radar recordings, as alleged in the News of the World.

A BBC investigation into the incident following publication of the News or the World Article concluded that a possible explanation for the lights seen by the USAF personnel was the pulsating light of the Orfordness lighthouse some 6 - 7 miles away.

The sole interest of the MOD in UFO reports is to establish whether they reveal anything of defence interest (eg intruding aircraft). MOD investigations are not pursued beyond the point at which we are satisfied that a report has no defence implications. No attempts are made to identify and catalogue the likely explanation for individual reports.

Last year, Lord Long, during a debate initiated by the Earl Clancarty, said that he would look into the possibility of publishing such reports as are received by the Ministry of

/...

The National Archives' reference DEFE 24/2042/1

Defence. US of S(AF) has now decided to release compilations of reports. They will be published on a quarterly basis and will be available to members of the public, at a small charge to cover costs. US of S(AF) had planned to make an announcement shortly in the House of Lords through an arranged PQ. Pending arrangements for an announcement in the Lords, US of S(AF) has agreed that we should indicate the decision in the Commons.

The National Archives' reference DEFE 24/2042/1

Reference ..PQ.....

M1

PRIORITY

This non-oral question has been allocated to Minister(AF) for answer.

2. Would you please supply a draft reply and background note, together with any relevant Hansard extracts and Press cuttings, to reach this office at the time shown on the front cover.

3. Please submit a copy of the draft answer to PS/USofS(AF) when returning this, allowing sufficient time for USofS(AF) to comment.

[redacted]

REDACTION ON ORIGINAL DOCUMENT

Office of Minister(AF)
Room 6386 Main Building
[redacted]

REDACTION ON ORIGINAL DOCUMENT

21-10-83

M2

APS/Minister(AF) (thro' DUS(Air))

Copy to:
APS/US of S(AF)
Ops(GE)2(RAF)

1. I have placed opposite a draft reply to PQ 7607C.

2. The same background note has been provided for PQ 7608C and PQ 7609C.

[redacted]

REDACTION ON ORIGINAL DOCUMENT

21 October 1983

[redacted]
DS 8

Section 40

The National Archives' reference DEFE 24/2042/1

FOR NON ORAL ANSWER

E87

PQ 7067C

SIR PATRICK WALL (CONSERVATIVE) (BEVERLEY)

Sir Patrick Wall - To ask the Secretary of State for Defence, if he has seen the United States Air Force memo dated 13 January 1981 concerning unexplained lights near RAF Woodbridge.

SUGGESTED ANSWER [redacted]

Yes.

The National Archives' reference DEFE 24/2042/1

E86

Background Note

These three questions follow from the News of the World article of 2 October 1983 (Annex A) describing an alleged UFO sighting by USAF personnel at RAF Woodbridge in Suffolk on 27 December 1980.

The report of 13 January 1981 (Annex B) examined by the Air Staff and DS 8. It was concluded that there was nothing of defence interest in the alleged sighting.

There was, of course, no question of any contact with "alien beings" nor was any unidentified object seen on any radar recordings, as alleged in the News of the World.

A BBC investigation into the incident following publication of the News or the World Article concluded that a possible explanation for the lights seen by the USAF personnel was the pulsating light of the Orfordness lighthouse some 6 - 7 miles away.

The sole interest of the MOD in UFO reports is to establish whether they reveal anything of defence interest (eg intruding aircraft). MOD investigations are not pursued beyond the point at which we are satisfied that a report has no defence implications. No attempts are made to identify and catalogue the likely explanation for individual reports.

Last year, Lord Long, during a debate initiated by the Earl Clancarty, said that he would look into the possibility of publishing such reports as are received by the Ministry of

/...

The National Archives' reference DEFE 24/2042/1

Defence. US of S(AF) has now decided to release compilations of reports. They will be published on a quarterly basis and will be available to members of the public, at a small charge to cover costs. US of S(AF) had planned to make an announcement shortly in the House of Lords through an arranged PQ. Pending arrangements for an announcement in the Lords, US of S(AF) has agreed that we should indicate the decision in the Commons.

The National Archives' reference DEFE 24/2042/1

Reference.....

12/4 copy to: 12/2/11

M5

APS/US of S(AF)
through Sec(AS)2 [redacted]

REDACTION ON ORIGINAL DOCUMENT

1. US of S(AF) will recall recent correspondence on this matter with Lord Hill-Norton and Rt Hon Merlyn Rees MP. In both cases he took the line that we have nothing to add to what had already been said on the Woodbridge incident. Indeed, this was the line taken in previous correspondence with David Alton (See M3). The enclosed draft reply to Mr Alton once more follows this approach.

2. Mr Alton specifically requested a copy of the MOD official reply to [redacted] last letter. This is enclosed, together with an earlier letter to which it refers. There is no objection to passing this correspondence to Mr Alton.

REDACTION ON ORIGINAL DOCUMENT

3. You may wish to note that Mr Alton has apparently passed on both letters sent by Lord Trefgarne on 19 March 85, even though one of these was intended to be for his information only.

REDACTION ON ORIGINAL DOCUMENT

12 June 1985

[redacted]
Sec(AS)2
MB 8245

The National Archives' reference DEFE 24/2042/1

DRAFT

D/US of S(AF)/DGT 5173

June 1985

Thank you for your letter of 16 May to Michael Heseltine enclosing one from [redacted]. You asked to see a copy of the Department's reply to [redacted] letter of 25 February 1985 and this is enclosed, together with earlier correspondence to which it refers.

REDACTION ON ORIGINAL DOCUMENT

As I pointed out in my letter of 19 March, the MOD concerns itself only with the defence implications of reported UFO sightings. In this context, the report submitted by Col Halt in January 1981 was examined by those in the Department responsible for such matters and, as I have made clear in the past, it was considered to have no defence significance. We have since seen nothing to alter this view and there is nothing I can usefully add to the comments made in Sec(AS)'s letter of [redacted].

REDACTION ON ORIGINAL DOCUMENT

Lord Trefgarne

David Alton Esq MP

Job No 2-24

The National Archives' reference DEFE 24/2042/1

HOUSE OF COMMONS
LONDON SW1A 0AA

16th May 1985

Dear Michael,

I enclose a letter I have received from [redacted] following on from enquiries I first raised with your Department in March.

REDACTION ON ORIGINAL DOCUMENT

I read [redacted] letter with great interest and it seems to me that the points he raises are quite reasonable and merit a reply.
I should be most grateful if you could let me have your comments and if you could let me see a copy of the reply to [redacted] own letter to your Department dated 25th February 1985.

REDACTION ON ORIGINAL DOCUMENT

Yours sincerely,

Section 40

David Alton, MP.

The Rt. Hon. Michael Heseltine, MP.
Secretary of State
Ministry of Defence
Main Building
Whitehall
London SW1 2HB

The National Archives' reference DEFE 24/2042/1

14th May, 1985

David Alton, Esq., MP,
House of Commons,
Westminster,
London SW1

Dear Mr. Alton,

[redacted] has kept me informed about her correspondence with you on the unusual incidents which were reported to the Ministry of Defence by USAF authorities at RAF Woodbridge in January 1981. I have also seen Lord Trefgarne's letters to you of 19th March.

[redacted] decided to write further to you about this puzzling and disquieting case, and she referred to me her enclosed letter of 31st March, which is addressed to you, in the hope that I might be able to add useful comments. Much to my regret I have had to spend much time out of London on other business in recent weeks and it is only now that I am able, very belatedly, to send on [redacted] letter to you.

My own background, in brief, is that I served in the Ministry of Defence from 1949 to 1977, leaving in the grade of Under Secretary of State. From 1969 to late in 1972 I headed a Division in the central staffs of the MOD which had responsibilities for supporting RAF operations. This brought me into touch with a proportion of the many reports which the Department receives about unidentified traces in British airspace.

I believe that [redacted] is right to remain very dissatisfied with the official line which the MOD has adopted on the Rendlesham Forest incidents of December 1980. I have myself said so on a number of public occasions, and I have pursued the matter in correspondence with the MOD - wholly without success.

At the risk of burdening you with an excessive amount of paper, I attach the most recent of my letters to the Ministry of Defence. You will see that this is dated 25th February 1985. I have so far received no answer, despite reminders. On a previous occasion it took the Department three and a half months to send me a wholly perfunctory reply.

[redacted] claims much collateral evidence for her own views; on this I am not competent to comment. My own position is, quite simply, that an extraordinary report was made to the Ministry of Defence by the Deputy Base Commander at RAF Woodbridge early in 1981; that the very existence of this report was denied by the MOD until persistent researchers in the US secured its release under the American Freedom of Information Act in 1983; and that the MOD's responses to questions since that time have been thoroughly unsatisfactory.

I cannot accept Lord Trefgarne's view that there is no Defence interest in this case. Unless Lt.Col. Halt was out of his mind, there is clear evidence in his report that British airspace and territory were intruded upon by an unidentified vehicle on two occasions in late December 1980 and that no authority was able to prevent this. If, on the other hand, Halt's report cannot be believed, there is equally clear evidence of a serious misjudgement of events by USAF personnel at an important base in British territory. Either way, the

The National Archives' reference DEFE 24/2042/1

case can hardly be without Defence significance.

The dates in question are now rather remote, but I doubt that this should be taken to excuse the very perfunctory manner in which Lord Trefgarne has dealt with your letter. I hope that you may feel able to pursue the matter further, either in correspondence or in a PQ. The essence of the questions to be pressed seems to me to lie in my preceding paragraph. Seen in these terms, [redacted] article in the GUARDIAN (which Lord Trefgarne rather surprisingly falls back upon) is wholly irrelevant. If the USAF really are capable of hallucinations induced by a lighthouse which must surely be very familiar to them, then I shudder for that powerful finger which lies upon so many triggers...

REDACTION ON ORIGINAL DOCUMENT

My own letter to the MOD (enclosed) raises other more detailed questions. But I do not suggest that you should necessarily concern yourself with them, anyway at this stage. It would be nice if the MOD would answer letters, of course ! But the essence of the Defence interest which I suggest a responsible Member of Parliament might reasonably raise lies in the argument I have tried to present above.

If I can be of any assistance in discussion with you, I am at your disposal.

Yours sincerely,

[redacted]

REDACTION ON ORIGINAL DOCUMENT



From: Section 40
MINISTRY OF DEFENCE
Directorate of Air Staff (Lower Airspace)
Operations and Policy 1
Room 6/73, Metropole Building, Northumberland Avenue,
LONDON WC2N 5BP

Telephone: (Direct dial) Section 40
(Switchboard) 020 7218 9000
(Fax) Section 40
CHOts address: DAS-LA-Ops+Pol1
E-Mail: das-laopspol1@defence.mod.uk

FAX MESSAGE

Please pass to Section 40 immediately.

TO: Section 40 **– Info(Exp)-Access 2**

SUBJECT: Section 40 **- Ombudsman Case**

DATE: 24th July 2002 **NUMBER OF PAGES INCLUDING THIS COVER: 15**

Section 40

This is what I intend to send to Section 40 but I thought I would show it to you before I put it in the post to make absolutely sure we are sending all the appropriate papers.

I have discussed the Data Protection issues with Section 40 and have anonymised the documents accordingly.

If this is fine with you, please let me know and I will put this in the post today.

Section 40

✓ Cleared by Info(Exp) Access 2.
24/7/2002.

ENCLOSURE 28 NUMBER

UFO UpDates

A mailing list for the study of UFO-related phenomena
'Its All Here In Black & White'

BUFOSC'S Rendlesham FO

From: Section 40
Date: Mon, 22 Jul 2002 13:32:19 +0100
Fwd Date: Mon, 22 Jul 2002 22:50:19 -0400
Subject: BUFOSC'S Rendlesham FOI Breakthrough

Dear All,

We should like to make the following important statement:

Section 40 received a letter from the MOD on Friday, 18th July. The British Ministry of Defence wrote to him in response to an official complaint we had made, through Mike Hall, MP, relating to its decision to withhold three documents we had requested under the provisions of the British government's 1997 Code Of Practice On Access To Government Information.

We had asked for the remaining three papers from the MOD's Rendlesham File to be released. Our initial request was refused, so we appealed via the Parliamentary Ombudsman. Mike Hall was very skeptical about our chances of success, but we appealed anyway. We carefully constructed our letter, bearing in mind the MOD's own reasons for withholding the documents, as stated in Part 2 of the Code, as follows - see:

http://www.lcd.gov.uk/foi/ogcode983.htm

"2. Internal discussion and advice. Information whose disclosure would harm the frankness and candour of internal discussion, including: proceedings of Cabinet and Cabinet committees; internal opinion, advice, recommendation, consultation and deliberation; projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options; confidential communications between departments, public bodies and regulatory bodies."

We argued that release of these over 20-year-old documents should not prejudice (2), as stated above.

The Ombudsman agreed with us and stated, in his letter, that the remaining documents would be released _only_ because of our official complaint. It also emerged that just 12 people, including five members of BUFOSC, had asked for these documents.

Thanks to BUFOSC the remaining documents should be released to us "within 1-2 weeks", according to our contact, Section 40 at the MOD.

We believe that we have set an important precedent here. The MOD will no longer be able to use (2) as an excuse for denying sensible requests for information from members of the public. In

Section 40 22/07/2002 23:56 DINFOEXP PAGE 01/02

other words, officials will have to give rather better reasons for withholding documents! The provisions of the Code of Practice and the subsequent Freedom of Information Act (2000) are, we believe, clear and allow for much of this type of information to be released upon request.

We should like to point out that MOD staff have been very helpful in this matter. Although we naturally disagreed with the initial decision, we were kept fully informed throughout the appeal. Indeed, it seems that the MOD is being very helpful to certain researchers where it is clear that they are not making unnecessary or "vexatious" requests for information.

So, it is thanks to BUFOSC that these documents are to be released. That much is clear from the MOD's letter. We doubt that the documents in question will tell us much about Rendlesham. It is the principle of the thing that we were challenging.

We believe that it is now possible for Ufologists, and other bona fide researchers, to request information and use this case to justify the release of further documents. Although each case is investigated on its merit, our actions in this regard have moved things forward considerably.

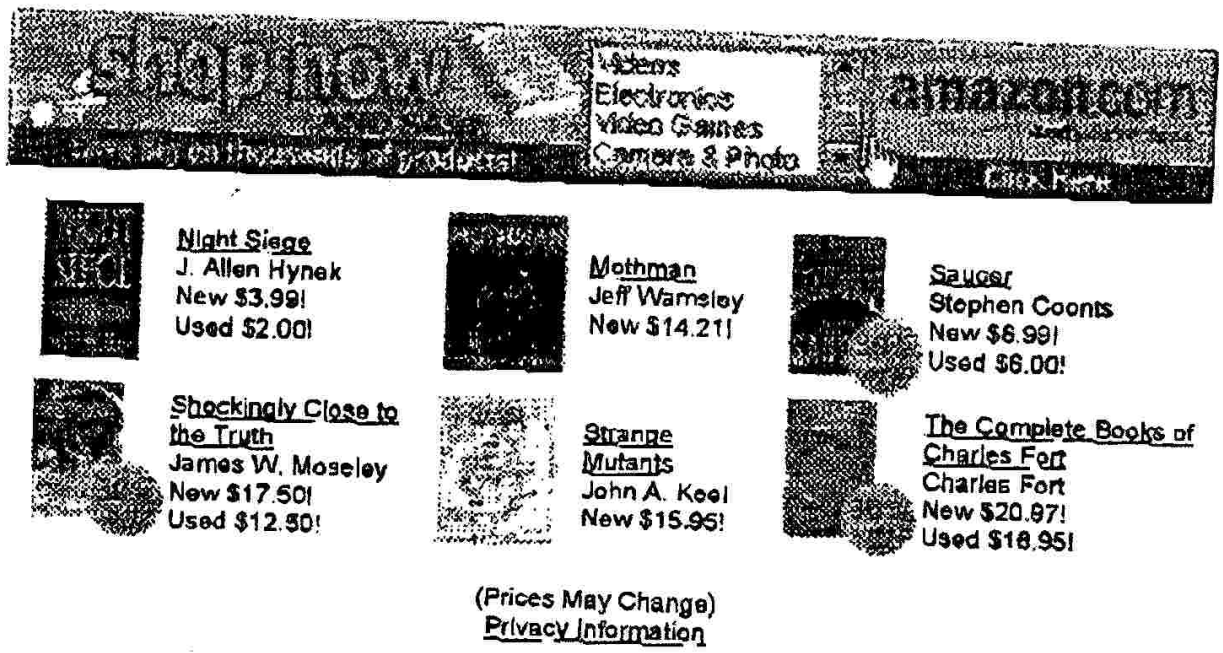
True, it has taken several months to get to where we are, but we are glad we made the complaint.

In due course we shall be making the documents available for all to see. We'll do this as soon as possible.

Many thanks,

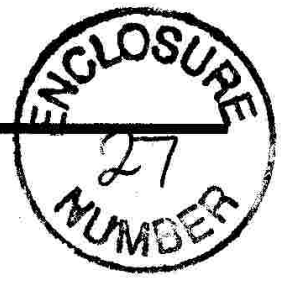
Section 40

British UFO Studies Centre, Northwich, Cheshire.



[Next Message | Previous Message | This Day's Messages]
[This Month's Index | UFO UpDates Main Index]

UFO UpDates - Toronto - ufoupdates@virtuallystrange.net
Operated by Section 40



DA LA-Ops+Pol1

From: DAS-LA OpsPol1
Sent: 19 July 2002 16:53
To: DAS-LA-Ops+Pol1
Subject: FW: (U) Responses to any enquiries regarding a report by the Parliamentary Ombudsman

---

From: Info-Access2
Sent: Friday, July 19, 2002 4:34:13 PM
To: D News; D News-AF; D News-CPO; DAS-LA OpsPol1
Cc: DAS-LA AD; DAS-LA OPS; InfoExp-Access1
Subject: (U) Responses to any enquiries regarding a report by the Parliamentary Ombudsman
Auto forwarded by a Rule

Please see the attached a submission to PUS and copy of the letter he sent to the Parliamentary Ombudsman as a result (you will wish to note that there are some differences between the draft and the final letter).

We had expected advance notice from the Ombudsman before he released his report, but have today received a letter from the Ombudsman's office (dated 17 July) welcoming PUS's decision to release the information, and notifying MOD that he has now provided his report to Mr Mike Hall MP (who sponsored Section 40 complaint). A copy of the report is attached below.

The final report welcomes MOD's decision to release the information and cites this as a satisfactory outcome to a justified complaint. MOD's handling of the case is also commended.

We feel that this is unlikely to attract national media attention, and is more likely to receive attention from the specialist UFO publications. Should this be the case, I understand that you already have press lines relating to UFO enquiries. As regards the Ombudsman's investigation, in response to any enquiries the line you should take is:

MOD continues to operate in full accordance with the Code of Practice on Access to Government Information

We only withhold information when we feel that there is a legitimate reason to do so.

We can confirm that we are now providing the information that Section 40 had requested to all those from whom it had previously been withheld.

Further information is available from Info-Access 2 Section 40 on the Code of Practice on Access Government Information and the Ombudsman's Investigation, and from DAS LA Ops+Pol 1 Section 40 on UFO matters.

Regards,

Section 40

Info-Access2

Section 40

PCA - draft report on Section 40

Letter from PUS about Section 40

Ombudsman Report- Section 40

The National Archives' reference DEFE 24/2042/1

23/7

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 020 7217 3000, FAX Section 40 DIRECT LINE Section 40

ENCLOSURE NUMBER 26

Copy: ~~I don't suppose it~~ grateful if you'd take the necessary action. Any comment/need to reply to this?

Section 40

ABS/PUS

MINISTRY OF DEFENCE
Section 40
2002

Sir Kevin Tebbit KCB CMG
Permanent Secretary
Ministry of Defence
Old War Office Building
Whitehall
London
SW1A 2EU

Your Ref: D/PUS/23/7 (332)
Our Ref: A.29/02

17 July 2002

Dear Sir Kevin

Section 40

Thank you for your letter of 10 July about the complaint by Section 40 I have noted the comments made and welcome your decision to now release the information sought by Section 40 Section 40

Acting with the Parliamentary Ombudsman's authorisation given by virtue of his powers under section 3(2) of the Parliamentary Commissioner Act 1967, I have today reported the results of the investigation to Mr Mike Hall MP. In accordance with section 10(2) of the Act, I send you this copy.

Yours sincerely
Section 40
Investigation Manager

Enc: 1

DGINFO ADMIN
19 JUL 2002
ROOM 830 SY

INVESTOR IN PEOPLE

A.29/02

Parliamentary Commissioner Act 1967

Report by the Parliamentary Commissioner for Administration

(the Ombudsman) to

Mike Hall MP

of the results of an investigation into a complaint made by

Section 40 [redacted]

1. Section 40 [redacted] complained 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). I have not put into this report every detail investigated by the Ombudsman's staff but I am satisfied that no matter of significance has been overlooked.

General Background

2. On two separate nights in late December 1980 a number of American servicemen stationed at the twin United States Air Force complex of RAF Bentwaters and RAF Woodbridge reported sightings of unexplained aerial phenomena in the area of land which separates the bases, known as Rendlesham Forest. These reported sightings, commonly referred to as the Rendlesham Forest incident, have been the subject of much subsequent debate and conjecture.

Background

3. On 1 November 2001 Section 40 [redacted] wrote to MOD asking if they could provide him, inter alia, with any information regarding events taking place in December

1980 in and around Woodbridge, Suffolk. This request related specifically to the reported sighting of an unexplained aerial phenomenon by American servicemen in Rendlesham Forest during the nights of December 25 and 26 1980. On 19 November MOD wrote to Section 40 enclosing 174 pages of documentation relating to this incident. They explained that some of these documents had been anonymised in order to protect the privacy of those who had corresponded with them about this matter. MOD declined, however, to release three other documents, citing Exemption 2 of the Code in justification.

4. On 27 November Section 40 wrote to the MOD requesting a review of their decision not to release the three remaining documents. On 17 January 2002 MOD wrote to Section 40 providing him with a broad explanation of the nature of the three documents in question, but declining to release the information contained within them; MOD again cited Exemption 2 of the Code.

The Permanent Secretary's comments

5. The Permanent Secretary responded on 11 April and outlined the background to Section 40 complaint, together with the history of MOD's approach to information requests relating to the Rendlesham Forest incident. The Permanent Secretary detailed how the release of documents contained within the 'Rendlesham file' had first been considered in response to a request in May 2001 from a different correspondent. At that time five documents from the file had been withheld: three under Exemption 2 and two under Exemption 1. The Permanent Secretary said that the two papers withheld under Exemption 1 were subsequently released following an internal review. He added that, to date, Section 40 was one of twelve separate applicants to have been provided with the Rendlesham file.

6. The Permanent Secretary explained that of the three documents withheld, two comprised draft answers to Parliamentary Questions, complete with background notes and cover sheets, while the third contained a background note and a draft response to a letter from a Member which had enclosed with it a further letter from one of the Member's constituents. The Permanent Secretary said that there had, unfortunately, been a complication with these documents in that, in practice, some of them did not appear to have been removed from the file made available for disclosure. The Permanent Secretary said that it was not

absolutely certain at what stage this error had occurred, but it was very probable that it was prior to the release of the file to Section 40 This meant that Section 40 would already have received one of the draft Parliamentary Question answers complete with the background note, the Member's letter to MOD and the draft response to that letter, albeit it in a version which omitted the name of the constituent. The Permanent Secretary said that he very much regretted these administrative errors as he believed that their handling of this case fully demonstrated MOD's commitment to the Code and the principles it espoused.

7. The Permanent Secretary said that he believed it was appropriate to comment on all the documents MOD had intended to withhold, as this would reflect the basis on which MOD now proposed to handle any future requests for the Rendlesham file. The Permanent Secretary said that two factors had to be considered: firstly, that the documents represented advice from officials to Ministers and therefore fell within the terms of Exemption 2 and, secondly, that they contained no information about "the events of December 1980 in and around Woodbridge" that had not already been provided to Section 40 The Permanent Secretary said that the background notes and draft responses did constitute "information whose disclosure would harm the frankness and candour of internal discussion". This was primarily through their status as "internal opinion, advice, consultation and deliberation", although the background note also included some "information relating to a rejected policy option". The Permanent Secretary said that, as the documents did not provide any additional information on the subject raised by Section 40 he believed that the harm involved in releasing them outweighed the minimal public interest to be served by any disclosure. The Permanent Secretary added that, as he believed the Ombudsman had himself often stated, the Code gives a right of access only to information, not to specific documents.

8. The Permanent Secretary also addressed the issue of the time taken to handle Section 40 correspondence. He said that a substantive reply was sent to Section 40 Section 40 initial letter within 10 working days, that the letter seeking an appeal was acknowledged within 20 working days, and that the appeal itself was conducted and a reply sent within 31 working days. The Permanent Secretary said, in

mitigation, that the review period coincided with Christmas, when key staff were on holiday.

9. In conclusion, the Permanent Secretary said that, while this case had indicated a need to improve administrative processes and ensure that MOD maintained reliable records of documents that had been both released and withheld, he was satisfied that MOD had, at every step, acted in accordance with the Code. Having said this, the Permanent Secretary said that he would now be content to disclose to Section 40 those **parts** of the withheld documents that consisted of correspondence sent to the Department and of the cover sheets relating to Parliamentary Questions. The Permanent Secretary said that he believed, however, that officials had acted correctly in withholding under Exemption 2 the background notes and draft responses prepared for Ministers. These contained no further substantive information that would answer Section 40 Section 40 original request, but their disclosure would harm the expectation about confidentiality of advice to Ministers that lay at the heart of Exemption 2. On that basis, he could not recommend their release.

<u>The Code of Practice on Access to Government Information</u>

10. Exemption 2 of the Code, which MOD have cited, is headed "Internal discussion and advice" and reads as follows:

> 'Information whose disclosure would harm the frankness and candour of internal discussion, including:
>
> proceedings of Cabinet and Cabinet committees;
>
> internal opinion, advice, recommendation, consultation and deliberation;
>
> projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options;
>
> confidential communications between departments, public bodies and regulatory bodies.'

Exemption 2 is subject to the preamble to Part II of the Code which states that:

'In those categories which refer to harm or prejudice, the presumption remains that information should be disclosed unless the harm likely to arise from disclosure would outweigh the public interest in making the information available.

References to harm or prejudice include both actual harm or prejudice and risk or reasonable expectation of harm or prejudice. In such cases it should be considered whether any harm or prejudice arising from disclosure is outweighed by the public interest in making the information available.'

Assessment

11. Before turning to the substantive issue of whether or not the information requested by Section 40 should be released, I shall look at how MOD handled his request. In response to Section 40 information request of 1 November, MOD replied on 19 November (paragraph 3). That response time is well within the target time of 20 working days that the Code recommends for responses to simple information requests and I note that MOD also advised Section 40 of his right, under the Code, to have the decision to withhold information from him reviewed. On 27 November Section 40 wrote asking MOD to review their decision and he received a substantive response on 17 January 2002. In this letter MOD provided Section 40 with a broad explanation of the three documents still withheld and advised him of his right, if he remained dissatisfied, to put 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.

12. I turn now to the citing of Exemption 2 by MOD (paragraph 10) and, in this context, I should confirm what the Permanent Secretary has already noted, that the Code gives entitlement only to information, not to documents. However, both the present Ombudsman and his predecessor have taken the view that the release of the actual documents is often the best way of making information available. The purpose of Exemption 2 is to allow departments the opportunity to consider

matters, particularly those which are contentious, on the understanding that their thinking will not be exposed in such a way as to fetter their deliberations by inhibiting the frank expression of opinion. I recognise the strength of the argument that the advice and recommendations contained in submissions to Ministers relating to Parliamentary Questions depend upon such candour for their effectiveness and that the value of this advice would be substantially reduced if it were thought that it would be made available to a wider audience. The question in this case, therefore, is whether or not the release of those documents containing advice and recommendation would affect the frankness and candour of the advice offered in future, similar cases. As I see it, it would be difficult for the authors of submissions and draft answers such as these to do their work effectively if they were constantly concerned that what they had advised might be disclosed to a wider audience. I am satisfied, therefore, that those documents containing advice and recommendation are covered, **in principle**, by Exemption 2. In this respect, I welcome the Permanent Secretary's willingness to now release the cover sheets to the Parliamentary Questions and the documents representing correspondence sent to MOD as these clearly contain information which is neither advice nor recommendation (paragraph 9).

13. This, however, is only the first step. Having reached a decision on the applicability, or otherwise, of Exemption 2 in principle, I must now consider the harm test (paragraph 10). This poses the question: would the harm that might be caused by disclosing the protected information be outweighed by the public interest there might be in making it available? The Permanent Secretary has argued that there is minimal public interest in making the information contained within the remaining documents available and also that the draft answers and background notes contain no information on the Rendlesham incident additional to that which has already been disclosed to Section 40 At this point, I should emphasise that it is for the body refusing access to information to argue why disclosure would not be in the public interest: the purpose of the Code is to extend access to official information by responding to reasonable requests for information.

14. I have considered carefully the undisclosed material. It is nearly twenty years old and contains, on MOD's own admission, nothing not already available in the

The National Archives' reference DEFE 24/2042/1

public domain. I find it difficult, therefore, to envisage that any harm might arise from its disclosure: there is nothing contentious or sensitive there which would merit, in my opinion, the public interest being served by its continued protection. The Permanent Secretary has acknowledged that Section 40 is by no means the only person to have received information relating to the Rendlesham incident; indeed the 174 pages of documentation already disclosed include many requests and queries regarding this incident, in which public interest is still clearly significant. These disclosed papers also contain details of the rejected policy option referred to by the Permanent Secretary and an explanation of why that option was rejected. While, therefore, continuing to recognise the general principle that information covered by Exemption 2 should be protected, I see no reason why, in this instance, the information concerned should not be released, and it appears to me that the most sensible way of doing that would be by release of the documents themselves, anonymised where appropriate in accordance with MOD's previous practice in respect of papers relating to this case. I so recommend.

15. In reply, the Permanent Secretary said that he welcomed the Ombudsman's conclusion that MOD had handled this case in full accordance with the requirements of the Code, and also his appreciation of the importance of confidentiality to the effectiveness and value of the advice provided by officials. The Permanent Secretary said that it was felt that the release of the documents in question would cause harm by weakening this presumption of confidentiality of advice to Ministers, and that the harm to this principle outweighed the public interest to be served by disclosing documents which contained no new information of substance. Nevertheless, the Permanent Secretary recognised that there was a case for an exceptional departure from the general rule to be made in this instance given the probability that the documents added nothing new to what was already known by Section 40 The Permanent Secretary conceded, therefore, that the remaining documents should be disclosed to Section 40 he agreed also to disclose them to those other individuals from whom they had previously been withheld under the Code.

Conclusion

16. MOD have agreed to make the information requested available to Section 40 and also to those others from whom it had previously been withheld. I welcome and commend this action, which I see as a satisfactory outcome to a justified complaint.

Section 40

17 July 2002

Section 40

Investigation Manager
duly authorised under section 3(2) of the
Parliamentary Commissioner Act 1967

SIR KEVIN TEBBIT KCB CMG

MINISTRY OF DEFENCE
OLD WAR OFFICE BUILDING WHITEHALL LONDON
SW1A 2EU

Telephone Section 40
Fax:
e-mail: pus-pa@mod.gsi.gov.uk

PERMANENT UNDER-SECRETARY OF STATE

ENCLOSURE NUMBER 25

D/PUS/23/7 (332)

10 July 2002

[*Dear* Section 40]

Section 40

Section 40

Thank you for your letter of 18 June, forwarding a copy of the report you are proposing to make to Mike Hall MP in respect of the complaint by Section 40 and giving me the opportunity to comment.

I can confirm the facts as you present them are correctly stated as far as MOD is concerned, and welcome your conclusion that MOD handled this case in full accordance with the requirements of the Code.

The decision to withhold the documents under Exemption 2 was based on the importance we attach to being able to provide candid advice to Ministers without concern about disclosure. As you acknowledge, "the value of this advice would be substantially reduced if it were thought that it would be made available to a wider audience." I note that you recognise the strength of this argument, and welcome your appreciation of the importance of confidentiality to the effectiveness and value of the advice provided by officials. It was felt that the release of the documents in question would cause harm by weakening this presumption of confidentiality of advice to Ministers, and that the harm to this principle outweighed the public interest to be served by disclosing documents which contained no new information of substance. I continue to give full weight to this principle. Nevertheless, I do see that there is a case for an exceptional departure from the general rule to be made in this instance given the probability that the documents add nothing new to what, in practice, is already known by the complainant. I am ready to concede therefore that officials should provide the remaining documents to Section 40 should this

recommendation be confirmed in the final version of your report. At the same time it would also be our intention to provide these documents to the other individuals from whom they had previously been withheld under the Code.

[Yours sincerely,]

Section 40

Section 40

Investigation Manager
The Parliamentary Ombudsman
Office of the Parliamentary
Commissioner for Administration
Millbank Tower
Millbank
LONDON SW1P 4QP

The National Archives' reference DEFE 24/2042/1

ENCLOSURE 24 NUMBER

LOOSE MINUTE

DG Info 3/1/3/1

5 July 2002

Section 40 [redacted] for action idc I suspect (see 'X')

file

Section 40 [redacted] 07

APS/PUS

Copy to:
PS/ Personnel Director
DG Info
DAS
D Info(Exp)

PARLIAMENTARY OMBUDSMAN – DRAFT REPORT ON COMPLAINT BY Section 40 [redacted]

Reference A: D/PUS/23/7 dated 18 June 2002
Reference B: D/PUS/23/7 (191) dated 11 April 2002

Issue

1. How to respond to the Parliamentary Ombudsman, who has written to PUS (Reference A) asking for comments on the draft report into the complaint of Section 40 [redacted]

Recommendation

2. To note the background to this case and reply along the lines of the draft at Annex A.

Timing

3. Urgent. The Ombudsman has asked for a response by 10 July.

Background

4. The Parliamentary Ombudsman has been investigating a complaint by Mike Hall MP on behalf of one of his constituents - Section 40 [redacted] – that MOD has been withholding information that should have been released under the terms of the Code of Practice on Access to Government Information (the Code). Such an investigation is the final level of appeal provided for under the Code, it follows branch level decision to withhold information, and independent review of that decision by D Info(Exp).

5. The information in question relates to the reported sighting of UFOs in the vicinity of RAF Woodbridge in December 1980. The sighting has become a cause celebre for UFO enthusiasts in the UK, and has been the subject of much interest and a recent book. Some time after 1980 DS8 (a forerunner to DAS) compiled a file to bring together papers on the sighting, and this has become known as the Rendlesham file.

6. Section 40 is one of a number of applicants for the Rendlesham file. In response to his original request of 1 November 2001 for "any information regarding the events of December 1980 in and around Woodbridge" DAS provided over 170 pages from the Rendlesham File. At the same time they notifiedSection 40that they were withholding three documents under Exemption 2 of the Code (relating to internal advice).

7. After the decision to withhold the documents was upheld by D Info(Exp) during an internal review,Section 40secured the assistance of Mike Hall MP in supporting his complaint to the Parliamentary Ombudsman. Following notification by the Ombudsman on 21 March 2002 that he was investigating the matter, PUS provided written comments (Reference B) on 11 April 2002.

8. The documents that are the subject of Section 40complaint are two draft PQ answers, complete with background notes and cover sheets, and a loose minute and draft response to a letter from David Alton MP together with Mr Alton's letter and a letter from his constituent (Enclosure 1, Documents a-j).

9. Exemption 2 of the Code protects,

> *"Information whose disclosure would harm the frankness and candour of internal discussion, including;*
>
> *...internal opinion, advice, recommendation, consultation and deliberation;*
>
> *...information relating to rejected policy options."*

but says that such information should only be withheld if it is also believed that "the harm likely to arise from disclosure would outweigh the public interest in making the information available."

10. In his response to the Ombudsman, PUS maintained that the documents clearly consisted of internal advice, and in one case also included information relating to a rejected policy option. He said that harm would be caused to the candour of internal deliberations if officials felt that advice they prepared for Ministers may not remain confidential. This harm was felt to outweigh the minimal public interest in disclosure of the requested documents, given that they contained no information on the reported sightings near RAF Woodbridge thatSection 40had not already received. Furthermore, PUS noted that the Code provided an entitlement to information, not documents. Nonetheless, he volunteered to disclose the cover sheets to the PQs and the letter from

David Alton, including the letter he enclosed from a constituent, (Enclosure 1, Documents a, d, i and j) as these did not constitute internal advice.

11. Regarding the handling of Section 40 request, PUS said that MOD had acted in accordance with the Code, but that some administrative errors had come to light. As a result DAS now believed that some of the documents that it had been the intention to withhold from Section 40 (namely, Enclosure 1, Documents b, c, h and i) may not in practice have been removed from the file before it was photocopied for disclosure.

The Draft Report

12. The draft report comments both on the handling of Section 40 request, and on whether MOD acted correctly in withholding the documents from him. In terms of the former, the draft report does make mention of the uncertainty as to whether the information may have been inadvertently released, but the Ombudsman concludes by stating that he finds MOD to have acted in "full accordance with the requirements of the Code, and for this I commend them."

13. In commenting on whether MOD acted correctly in withholding the documents, the Ombudsman recognises that the value of advice to Ministers depends upon its candour. Furthermore, he accepts that "it would be difficult for the authors of submissions and draft answers such as these to do their work effectively if they were constantly concerned that what they had advised might be disclosed to a wider audience." He therefore accepts that the documents in question do fall within the scope of Exemption 2. He also welcomes PUS' willingness to release the cover sheets and correspondence sent to MOD as these clearly do not.

14. The Ombudsman goes on, however, to evaluate whether the harm caused by disclosure of the documents outweighs the public interest in their release. Given that the information is over twenty years old, and that it is accepted by MOD that its substance in relation to the Rendlesham incident is already in the public domain, the Ombudsman believes that no harm would arise from disclosure at this stage. He notes that, by MOD's own admission, Section 40 has not been the sole applicant for the Rendlesham File and says that this, combined with the weight of correspondence from members of the public included on the file, shows that there is a significant public interest in the matter. In light of these factors, the Ombudsman believes that the harm involved in releasing the documents does not outweigh the public interest in disclosure, and he therefore recommends that the documents are now provided to Section 40 The Ombudsman also notes that the disclosed papers "contain details of the rejected policy option.... and an explanation of why that option was rejected."

Discussion

15. The Ombudsman has requested that MOD check the factual accuracy of his draft report as far as the Department is concerned, and has also invited PUS to comment on his recommendation. I can confirm that the facts are indeed reported accurately.

16. There is a certain lack of clarity, however, regarding the Ombudsman's assertion (para 14) that details of the rejected policy option are already in the public domain. The rejected policy option in question is the statement in the PQ background notes (Enclosure 1, paragraph 6 of documents c and f) that USofS has "now decided to release compilations of [UFO] reports." One of the draft replies offered to Minister(AF) would, if it had been used, have announced this intention. Some of the correspondence from 1984 (Enclosure 2) that has been released to Section 40 does make mention of a decision not to publish reports of alleged UFO sightings, and these letters are presumably what the Ombudsman is referring to. Alternatively, he may be alluding to the possibility that the background note and draft reply have already been inadvertently released to Section 40 However, the correspondence that we know to have been released does not mention that USofS had previously decided that compilations of reports would be published, and to the best of our knowledge the fact that this course was over-ruled by Minister (AF) is not in the public domain.

17. DAS have a concern that should the background note be disclosed to Section 40 there may be enquiries from UFO enthusiasts as to why the decision to release quarterly compilations was never implemented. This could in turn force disclosure of the information that Minister (AF) over-ruled the decision. Given that the Minister of the day (Sir John Stanley) is a sitting MP there could be some sensitivity to this. In the first instance, the intention would be to answer any questions on the topic by reference to the reasons given in the 1984 correspondence (insufficient staff and resources for the work involved in preparing for publication the large volume of reports MOD received and the fact that this fell outside the defence responsibilities), and disclosure of who actually took the decision would need to be contemplated only if specifically raised. In the year or so that the Rendlesham file has been public there has been no probing of the decision not to proceed with the compilation reports. Of course, there is no guarantee that Section 40 or another recipient will not identify this a fresh angle to pursue. With this in mind, however, it could be counter-productive to mention the matter in the response to the Ombudsman: it is unlikely to change his recommendation, and he may well quote it within his report as a MOD concern.

18. The Ombudsman has accepted (para 12 of the draft report) that, in principle, the documents requested by Section 40 are covered by Exemption 2. He has also accepted that the value of internal advice would be adversely affected if officials were concerned that it would become public. His recommendation that the documents should nonetheless be released is therefore based on his value judgement that, in this particular case, the harm involved is outweighed by the public interest. Given the Ombudsman's strongly worded acceptance of the value of Exemption 2, and the suggestion (end of paragraph 13) that it is for the body opposing disclosure to argue why it is not in the public interest, we could make a renewed attempt to justify the original decision to withhold the documents. Such a response could only repeat the arguments already offered, however, and it must therefore be doubtful whether they would be any more convincing to the Ombudsman. Moreover, it could seem obstructive. This would be unfortunate given that the Ombudsman seems to accept that our efforts to date have been within the spirit of the Code and have portrayed MOD in a positive

light. I therefore believe that PUS should accept the Ombudsman's recommendation but that, in doing so, he should re-state the importance we attach to the presumption of confidentiality in providing advice to Ministers and welcome the Ombudsman's recognition that Exemption 2 is vital to the effective conduct of business. A draft letter is provided at Annex A.

Presentation

19. The Ombudsman's report is likely to attract a lot of attention within the community of UFO enthusiasts, and to be reported in the specialist journals. More widespread interest is possible, but unlikely, given the favourable comments on MOD's handling of the case and the mundane nature of the documents that are now likely to be disclosed.

20. It should be noted that the Ombudsman's draft report draws extensively upon the response PUS made to the Ombudsman on 11 April, and his final report must similarly be expected to quote from the response PUS now makes.

21. Finally, PUS may like to note that assuming the Ombudsman's recommendation remains as drafted, DAS propose to send copies of the documents not only to Section 40 but also to the other correspondents who have been provided with the Rendlesham File. There is little reason not do this given the close-knit nature of the UFO enthusiast community, and the Ombudsman is likely to view such an intention favourably.

Section 40

Info (Exp) – Access AD

Section 40

Annex A

DRAFT LETTER FROM PUS TO Section 40 THE OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

Section 40

Thank you for your letter of 18 June, forwarding a copy of the report you are proposing to make to Mike Hall MP in respect of the complaint by Section 40 and giving me the opportunity to comment.

I can confirm the facts as you present them are correctly stated as far as MOD is concerned, and welcome your conclusion that MOD handled this case in full accordance with the requirements of the Code.

The decision to withhold the documents under Exemption 2 was based on the importance we attach to being able to provide candid advice to Ministers without concern about disclosure. As you acknowledge, "the value of this advice would be substantially reduced if it were thought that it would be made available to a wider audience." I note that you recognise the strength of this argument, and welcome your appreciation of the importance of confidentiality to the effectiveness and value of the advice provided by officials. It was felt that the release of the documents in question would cause harm by weakening this presumption of confidentiality, and that this harm outweighed the public interest to be served by disclosing documents containing no substantively new information. Despite this, given the age of the documents and their largely factual nature, I am content for officials to provide the remaining documents to Section 40 Section 40 should this recommendation be confirmed in the final version of your report. At the same time it would also be our intention to provide these documents to the other individuals from whom they had previously been withheld under the Code.

[redacted]

DAS-PS

From: InfoExp-AccessAD
Sent: 05 July 2002 16:51
To: APS/PUS
Cc: APS/PUS; Personnel Director-PS; DGInfo; DAS; InfoExp-Director; DAS-LA AD; InfoExp-Access2
Subject: Parliamentary Ombudsman - Draft Report on Complaint by Section 40

PCA - draft report on Section 40

A submission on this subject is attached. Please note that the enclosures will be provided in hard copy and that they should reach you on Monday.

Section 40

The National Archives' reference DEFE 24/2042/1

ENCLOSURE 23 MUNDEN

LOOSE MINUTE

D/DAS/64/3/10

27 June 2002

Info(Exp)- Access 2

OMBUDSMAN'S CASE – Section 40 [redacted]

Reference:
A: D/PUS/23/7(191) dtd 11 Apr 02
B: A.29/02 dtd 18 June 02

1. You have asked for any comments we might have on the intended response by PUS to the Parliamentary Ombudsman in response to his letter of 18 June (Reference B).

2. The question under consideration is whether it is advisable to release material in addition to the cover sheets and correspondence sent to MOD as offered by PUS in his letter of 11 April (Reference B). The material is as follows:

   - A draft answer to Parliamentary Question (PQ) 7607C with background note;
   - A draft answer to Parliamentary Question (PQ) 7608C, with background note;
   - Correspondence sent to MOD.

3. The draft report attached to Reference B states that the material does not comprise anything that is not already available in the public domain and that there is nothing sensitive or contentious contained therein. That is not quite correct; the material makes clear that the Department was advising Minister to take a particular course of action. The Hansard extract publishing the reply to the question, a copy of which is placed on the file released to Section 40 indicates that the recommended course of action was not taken. That is not a unique situation but officially releasing the background note does raise some issues of sensitivity in that it draws attention to an apparently sudden change of direction. Although we would prefer not to abandon the principle set out in Exemption 2, the sensitivity is not considered significant enough to warrant withholding the documentation if the content of the note is considered in isolation.

4. However, it is further stated that the papers contain an explanation of why that option was rejected. While the papers do indeed set out the original policy option, the published answer is perhaps not so much an answer to the question why the option was rejected, it is an alternative option. We do not know why the decision was taken but an internal file note placed on another file [not the Rendlesham Forest file] does shed more light on the subject. The note indicates that it was the Minister of the day who elected to change the draft "despite being briefed verbally on the advantages of publication", and personally redrafted the response. If the background material is released officially at this time, it is possible that further questions will be prompted on the availability of other information that might help to explain the reason for the final decision. This will lead to the unclassified file note signed by an official which, if released, might be a source of some embarrassment to a currently serving MP particularly, if past events are repeated, he is pursued by 'UFO enthusiasts' to explain his actions. In view of this potential for harm, we maintain our opinion that, on balance it would be desirable to

The National Archives' reference DEFE 24/2042/1

continue to withhold the background notes. However, in light of the persuasive arguments made by the Investigation Manager towards the end of Reference B and the fact that, as you know, there is doubt as to whether the background note has already been released in error, we recognise that the arguments for or against are finely balanced.

5. Finally, we see no harm in releasing the correspondence sent to MOD.

Section 40 [redacted]

Section 40 [redacted]

DAS(LA)AD

Section 40 [redacted]

ENCLOSURE NUMBER 22

[redacted]AS-LA-Ops+Pol

From: DAS-LA-Ops+Pol
Sent: 26 June 2002 17:24
To: DAS-LA-AD
Cc: DAS-LA-Ops+Pol1
Subject: URGENT: Draft for Info Exp Access - Section 40 Ombudsman's case

W

Section 40

Section 40
Section 40
Section 40 will explain to you that we have been approached for our comments on the Ombudsman's report on the Section 40 case.

She and I discussed the material and I drew together a draft "just in case" you were not in on Thursday (Info Exp are looking for a quick response).

DDAS had seen the papers come in; I have let him know that we have material ready which we shall hold for Thursday morning when you expected to be back in office. He was content with that.

Section 40

The National Archives' reference DEFE 24/2042/1

D/058/10/2007-Part F on 26 Feb 2001

ENCLOSURE NUMBER 21 to 89/2

D/058/10/209

Telefax

To [redacted]
Fa
From: [redacted]
Date: 25/6/2002 Pages: 1

FILE NOTE

1. When answering a Question in the House of Lords on 7 April 1982 Viscount Long stated that he could see no reason why Noble Lords should not be able to see UFO reports held by MOD. Following this statement, and after internal consultation, US of S(AF) (Lord Trefgarne) decided on 27 Septembr 1983 to make edited reports available to the public.

2. It was on the basis of this decision that the replies to Sir Patrick Wall's PQs at E78-E88 were drafted. Minister(AF) (Mr Stanley), however, was not happy with this line and, despite being briefed verbally on the advantages of publication, chose to rescind the decision to publish UFO reports and himself redrafted the reply to Sir Patrick Wall as published on 24 October 1983 (E89).

25 October 1983.

[redacted]

[redacted]

DS8a

The National Archives' reference DEFE 24/2042/1

ENCLOSURE 20 NUMBER

HANSARD EXTRACT

24 OCTOBER 1983

Col. 62

RAF Woodbridge (Alleged Incident)

Sir Patrick Wall asked the Secretary of State for Defence (1) if he has seen the United States Air Force memo dated 13 January 1981 concerning unexplained lights near RAF Woodbridge;

(2) whether, in view of the fact that the United State's Air Force memo of 13 January 1981 on the incident at RAF Woodbridge has been released under the Freedom of Information Act, he will now release reports and documents concerning similar unexplained incidents in the United Kingdom;

(3) how many unexplained sightings or radar intercepts have taken place since 1980.

Mr. Stanley: I have seen the memorandum of 13 January 1981 to which my hon. Friend refers. Since 1980 the Department has received 1,400 reports of sightings of flying objects which the observers have been unable to identify. There were no corresponding unexplained radar contacts. Subject to normal security constraints, I am ready to give information about any such reported sightings that are found to be a matter of concern from a defence standpoint, but there have been none to date.

The National Archives' reference DEFE 24/2042/1

23/7.

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 020 7217 3000, FAX Section 40 DIRECT LINE Section 40

* To: Info Access AT
Copy - PS/personnel/Sir
Section 40
Section 40
ENCLOSURE
Section 40
- grateful for advice & draft reply (by 5 July)
Section 40
AO5/PUS
Section 40

MINISTRY OF DEFENCE
Section 40 U.S.
20 JUN 2002
WHITEHALL
JC

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

For comment *
Section 40

Your Ref: D/PUS/23/7(191)
Our Ref: A.29/02

18 June 2002

25/6

Dear Sir Kevin

Section 40

You wrote to the Parliamentary Ombudsman on 11 April giving comments on the complaint by Section 40

I now enclose a copy of the report which it is proposed to make to the Member, Mr Mike Hall MP, under section 10(1) of the Parliamentary Commissioner Act 1967.

I should be grateful if, by 10 July 2002, 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. In particular you will note the invitation to respond in paragraph 14 of the report.

Yours sincerely

Section 40
Section 40

Investigation Manager

Enc: 1

INVESTOR IN PEOPLE

A.29/02

Parliamentary Commissioner Act 1967

Report by the Parliamentary Commissioner for Administration

(the Ombudsman) to

Mike Hall MP

of the results of an investigation into a complaint made by

Section 40 [redacted]

1. Section 40 [redacted] complained 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). I have not put into this report every detail investigated by the Ombudsman's staff but I am satisfied that no matter of significance has been overlooked.

General Background

2. On two separate nights in late December 1980 a number of American servicemen stationed at the twin United States Air Force complex of RAF Bentwaters and RAF Woodbridge reported sightings of unexplained aerial phenomena in the area of land which separates the bases, known as Rendlesham Forest. These reported sightings, commonly referred to as the Rendlesham Forest incident, have been the subject of much subsequent debate and conjecture.

Background

3. On 1 November 2001 Section 40 [redacted] wrote to MOD asking if they could provide him, inter alia, with any information regarding events taking place in December

1980 in and around Woodbridge, Suffolk. This request related specifically to the reported sighting of an unexplained aerial phenomenon by American servicemen in Rendlesham Forest during the nights of December 25 and 26 1980. On 19 November MOD wrote to Section 40 enclosing 174 pages of documentation relating to this incident. They explained that some of these documents had been anonymised in order to protect the privacy of those who had corresponded with them about this matter. MOD declined, however, to release three other documents, citing Exemption 2 of the Code in justification.

4. On 27 November Section 40 wrote to the MOD requesting a review of their decision not to release the three remaining documents. On 17 January 2002 MOD wrote to Section 40 providing him with a broad explanation of the nature of the three documents in question, but declining to release the information contained within them; MOD again cited Exemption 2 of the Code.

The Permanent Secretary's comments

5. The Permanent Secretary responded on 11 April and outlined the background to Section 40 complaint, together with the history of MOD's approach to information requests relating to the Rendlesham Forest incident. The Permanent Secretary detailed how the release of documents contained within the 'Rendlesham file' had first been considered in response to a request in May 2001 from a different correspondent. At that time five documents from the file had been withheld: three under Exemption 2 and two under Exemption 1. The Permanent Secretary said that the two papers withheld under Exemption 1 were subsequently released following an internal review. He added that, to date, Section 40 was one of twelve separate applicants to have been provided with the Rendlesham file.

6. The Permanent Secretary explained that of the three documents withheld, two comprised draft answers to Parliamentary Questions, complete with background notes and cover sheets, while the third contained a background note and a draft response to a letter from a Member which had enclosed with it a further letter from one of the Member's constituents. The Permanent Secretary said that there had, unfortunately, been a complication with these documents in that, in practice, some of them did not appear to have been removed from the file made available for disclosure. The Permanent Secretary said that it was not

absolutely certain at what stage this error had occurred, but it was very probable that it was prior to the release of the file to Section 40 This meant that Section 40 would already have received one of the draft Parliamentary Question answers complete with the background note, the Member's letter to MOD and the draft response to that letter, albeit it in a version which omitted the name of the constituent. The Permanent Secretary said that he very much regretted these administrative errors as he believed that their handling of this case fully demonstrated MOD's commitment to the Code and the principles it espoused.

7. The Permanent Secretary said that he believed it was appropriate to comment on all the documents MOD had intended to withhold, as this would reflect the basis on which MOD now proposed to handle any future requests for the Rendlesham file. The Permanent Secretary said that two factors had to be considered: firstly, that the documents represented advice from officials to Ministers and therefore fell within the terms of Exemption 2 and, secondly, that they contained no information about "the events of December 1980 in and around Woodbridge" that had not already been provided to Section 40 The Permanent Secretary said that the background notes and draft responses did constitute "information whose disclosure would harm the frankness and candour of internal discussion". This was primarily through their status as "internal opinion, advice, consultation and deliberation", although the background note also included some "information relating to a rejected policy option". The Permanent Secretary said that, as the documents did not provide any additional information on the subject raised by Section 40 he believed that the harm involved in releasing them outweighed the minimal public interest to be served by any disclosure. The Permanent Secretary added that, as he believed the Ombudsman had himself often stated, the Code gives a right of access only to information, not to specific documents.

8. The Permanent Secretary also addressed the issue of the time taken to handle Section 40 correspondence. He said that a substantive reply was sent to Section 40 Section 40 initial letter within 10 working days, that the letter seeking an appeal was acknowledged within 20 working days, and that the appeal itself was conducted and a reply sent within 31 working days. The Permanent Secretary said, in

mitigation, that the review period coincided with Christmas, when key staff were on holiday.

9. In conclusion, the Permanent Secretary said that, while this case had indicated a need to improve administrative processes and ensure that MOD maintained reliable records of documents that had been both released and withheld, he was satisfied that MOD had, at every step, acted in accordance with the Code. Having said this, the Permanent Secretary said that he would now be content to disclose to Section 40 those **parts** of the withheld documents that consisted of correspondence sent to the Department and of the cover sheets relating to Parliamentary Questions. The Permanent Secretary said that he believed, however, that officials had acted correctly in withholding under Exemption 2 the background notes and draft responses prepared for Ministers. These contained no further substantive information that would answer Section 40 Section 40 original request, but their disclosure would harm the expectation about confidentiality of advice to Ministers that lay at the heart of Exemption 2. On that basis, he could not recommend their release.

<u>The Code of Practice on Access to Government Information</u>

10. Exemption 2 of the Code, which MOD have cited, is headed "Internal discussion and advice" and reads as follows:

> 'Information whose disclosure would harm the frankness and candour of internal discussion, including:
>
> proceedings of Cabinet and Cabinet committees;
>
> internal opinion, advice, recommendations, consultation and deliberation;
>
> projections and assumption relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options;
>
> confidential communications between departments, public bodies and regulatory bodies.'

Exemption 2 is subject to the preamble to Part II of the Code which states that:

'In those categories which refer to harm or prejudice, the presumption remains that information should be disclosed unless the harm likely to arise from disclosure would outweigh the public interest in making the information available.

References to harm or prejudice include both actual harm or prejudice and risk or reasonable expectation of harm or prejudice. In such cases it should be considered whether any harm or prejudice arising from disclosure is outweighed by the public interest in making the information available.'

Assessment

11. Before turning to the substantive issue of whether or not the information requested by Section 40 should be released, I shall look at how MOD handled his request. In response to Section 40 information request of 1 November, MOD replied on 19 November (paragraph 3). That response time is well within the target time of 20 working days that the Code recommends for responses to simple information requests and I note that MOD also advised Section 40 of his right, under the Code, to have the decision to withhold information from him reviewed. On 27 November Section 40 wrote asking MOD to review their decision and he received a substantive response on 17 January 2002. In this letter MOD provided Section 40 with a broad explanation of the three documents still withheld and advised him of his right, if he remained dissatisfied, to put 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.

12. I turn now to the citing of Exemption 2 by MOD (paragraph 10) and, in this context, I should confirm what the Permanent Secretary has already noted, that the Code gives entitlement only to information, not to documents. However, both the present Ombudsman and his predecessor have taken the view that the release of the actual documents is often the best way of making information available. The purpose of Exemption 2 is to allow departments the opportunity to consider

matters, particularly those which are contentious, on the understanding that their thinking will not be exposed in such a way as to fetter their deliberations by inhibiting the frank expression of opinion. I recognise the strength of the argument that the advice and recommendations contained in submissions to Ministers relating to Parliamentary Questions depend upon such candour for their effectiveness and that the value of this advice would be substantially reduced if it were thought that it would be made available to a wider audience. The question in this case, therefore, is whether or not the release of those documents containing advice and recommendation would affect the frankness and candour of the advice offered in future, similar cases. As I see it, it would be difficult for the authors of submissions and draft answers such as these to do their work effectively if they were constantly concerned that what they had advised might be disclosed to a wider audience. I am satisfied, therefore, that those documents containing advice and recommendation are covered, **in principle**, by Exemption 2. In this respect, I welcome the Permanent Secretary's willingness to now release the cover sheets to the Parliamentary Questions and the documents representing correspondence sent to MOD as these clearly contain information which is neither advice nor recommendation (paragraph 9).

13. This, however, is only the first step. Having reached a decision on the applicability, or otherwise, of Exemption 2 in principle, I must now consider the harm test (paragraph 10). This poses the question: would the harm that might be caused by disclosing the protected information be outweighed by the public interest there might be in making it available? The Permanent Secretary has argued that there is minimal public interest in making the information contained within the remaining documents available and also that the draft answers and background notes contain no information on the Rendlesham incident additional to that which has already been disclosed to Section 40 At this point, I should emphasise that it is for the body refusing access to information to argue why disclosure would not be in the public interest: the purpose of the Code is to extend access to official information by responding to reasonable requests for information.

14. I have considered carefully the undisclosed material. It is nearly twenty years old and contains, on MOD's own admission, nothing not already available in the

public domain. I find it difficult, therefore, to envisage that any harm might arise from its disclosure: there is nothing contentious or sensitive there which would merit, in my opinion, the public interest being served by its continued protection. The Permanent Secretary has acknowledged that Section 40 is by no means the only person to have received information relating to the Rendlesham incident; indeed the 174 pages of documentation already disclosed include many requests and queries regarding this incident, in which public interest is still clearly significant. These disclosed papers also contain details of the rejected policy option referred to by the Permanent Secretary and an explanation of why that option was rejected. While, therefore, continuing to recognise the general principle that information covered by Exemption 2 should be protected, I see no reason why, in this instance, the information concerned should not be released, and it appears to me that the most sensible way of doing that would be by release of the documents themselves, anonymised where appropriate in accordance with MOD's previous practice in respect of papers relating to this case. I so recommend. In reply, the Permanent Secretary said…..{to be completed}.

The National Archives' reference DEFE 24/2042/1

18

COVERING UNCLASSIFIED/RESTRICTED
UNCLASSIFIED
UKEA/UKEB/NATO/UK/US EYES ONLY
STAFF/CONTRACT/MANAGEMENT

DAS CORRESPONDENCE

SUBJECT: LETTER TO Section 40 [redacted] Section 40

DAS Section 40 [redacted] 16 **625** **DAS DD** [redacted] 5/4 As anticipated.

ACTION **MONITOR** **INFO** ✓ **ACTION BY COP:**

DAS AD(C&D) _____
DAS(C&D)1 _____
DAS(C&D)2 _____
DAS(C&D)3 _____
DAS(C&D)4 _____
DAS(C&D)5 _____
DAS(MANP) _____

DAS AD(INTL) _____
DAS(INTL)1 _____
DAS(INTL)1a _____
DAS(INTL)2 _____
DAS(INTL)3 _____

DAS AD(Sec&VF) _____
DAS(Sec) _____
DAS(Sec)1 _____
DAS(Sec)2 _____
DAS(VF) _____
DAS(VF)1 _____
DAS(VF)1a _____
DAS(VF)2 _____

DAS AD(LA) Section 40 [redacted] 5/4
DAS(LA)P&P _____
DAS(LA) Ops _____
DAS(LA) Ops+Pol ✓
DAS(LA) Ops+Pol1 ✓ Section 40 [redacted]
DAS(LA) Ops+Pol1a _____
DAS(LA) Ops+Pol2 _____
DAS(LA) Ops+Pol2a _____
DAS(LA) C&E _____
DAS(LA) C&E1 _____
DAS(LA) C&E1a _____
DAS(LA) C&E1b _____
DAS(LA) C&E1c _____

DAS AD(IX) _____
DAS(IX)GS _____
DAS(IX)GS1 _____
DAS(IX)GS2 _____
DAS(IX)GS3 _____
DAS(IX)OP _____ (Bentley Priory)
DAS(IX)OP1 _____ (Bentley Priory)
DAS(IX)WEB _____

Briefing Cell
DAS(BC)1 _____
DAS(BC)2 _____

DAS(EXEC)MIL _____
DAS(EXEC)MIL1 _____
DAS(EXEC)REG1 _____
DAS(EXEC)REG2 _____
DAS(EXEC)REG3 _____
DAS(EXEC)FIN _____

PSO/ACAS _____

Comments by DAS/DAS DD:

Comments by AD (CD)/(INTL)/(Sec&VF)/(LA)/(IX):

Desk Officer Note:

FILE: D/DAS/ / / / /

STAFF/CONTRACT/MANAGEMENT
UNCLASSIFIED
UKEA/UKEB/NATO/UK/US EYES ONLY
COVERING UNCLASSIFIED/RESTRICTED

The National Archives' reference DEFE 24/2042/1

SIR KEVIN TEBBIT KCB CMG

MINISTRY OF DEFENCE
OLD WAR OFFICE BUILDING WHITEHALL LONDON
SW1A 2EU

Telephone Section 40
Fax:
e-mail: pus-pa@mod.gsi.gov.uk

PERMANENT UNDER-SECRETARY OF STATE

D/PUS/23/7(191)

11 April 2002

Dear Section 40

Section 40

Thank you for your letter of 21 March giving me the opportunity to comment on the complaint you are investigating on behalf of Section 40

I should first set out the basic facts of the case and relevant background:

- Section 40 wrote to the Department (Enclosure 1) on 11 November 2001 requesting "any information regarding the events of December 1980 in and around Woodbridge." This related to reported sightings of UFOs in Rendlesham Forest near RAF Woodbridge, a base occupied by the United States Air Force.

- Some time after 1980 a file had been compiled to bring together all known papers held by MOD on the subject of the alleged sightings. The release of documents contained within this "Rendlesham file" had first been considered in response to a request in May 2001 from a different correspondent. At that time five documents had been withheld: three under Exemption 2 and two under Exemption 1. The two papers withheld under Exemption 1 were subsequently released following an internal review after appeal.

- On 19 November 2001, Section 40 was provided with the 'Rendlesham file' (over 170 pages of information) and notified that three documents had been withheld under Exemption 2 of the Code. Section 40 was also notified of his right to request an internal review. (Enclosure 2)

- Section 40 wrote on 27 November to request such a review (Enclosure 3) and was notified on 2 January 2002 (Enclosure 4) that a review was taking place.

- On 17 January (Enclosure 5) Section 40 was notified that the documents had been reviewed, but that we remained satisfied that they constituted advice from officials to Ministers, and therefore came within the scope of Exemption 2 of the Code. It was also explained that the Code does not give an entitlement to specific

documents, and that the 174 pages of documents provided in November contained the information he had requested. Section 40 was also given a description of the documents that had been withheld, and informed of his right to ask an MP to take up the matter with your office.

- To date, Section 40 is one of twelve separate applicants to have been provided with the Rendlesham file.

In the course of compiling these comments it has unfortunately became apparent that the case is not as straightforward as it at first appears. When the Rendlesham file was reviewed for release in May 2001 the intention was to withhold five sets of documents:

Under Exemption 1 – a letter from a branch of the Ministry of Defence to RAF Neatishead concerning radar observations;

a letter from RAF Neatishead in response to the above enquiry.

Under Exemption 2 – a draft answer to Parliamentary Question (PQ) 7607C, complete with background note and cover sheet;

a draft answer to Parliamentary Question 7608C, complete with background note and cover sheet;

a background note and draft response to a letter from David Alton MP that enclosed a letter from one of his constituents (both letters were enclosed as part of the background to the case).

The documents withheld under Exemption 1 were subsequently released after an appeal and internal review. The complication with the documents withheld under Exemption 2 is that, in practice, some do not seem to have been removed when the file was copied for release: the enclosures concerned are flagged A to D in the copy of the file provided as Enclosure 6. It is not absolutely certain at what stage this error occurred, but it is very probable that it was prior to release of the file to Section 40 This means that he will already have one of the draft PQ answers complete with background note, Mr Alton's letter to the Department and a draft of the response to that letter (albeit sanitised to redact the name of the constituent).

Needless to say, I very much regret these administrative errors. This case was, I believe, a shining example of MOD's commitment to the Code of Practice on Access to Government Information and the principles it espouses. The officials concerned were motivated by a wish to provide as much information as possible, and after internal review the number of documents released has further increased. It is therefore unfortunate that these positive efforts should have been marred, and we must obviously learn the lessons. In particular, internal processes will be tightened to ensure that in future there is complete clarity about what has and has not been released. As it is, I would ask you to note that the error served to disclose information that should properly have been withheld.

Turning now to the specifics of Section 40 complaint, I believe it is appropriate to comment on all the documents that it had been the intention to withhold. I am taking this approach as it reflects the basis on which we now propose to handle any future requests for the Rendlesham file. The relevant documents are provided as Enclosure 7 and presented as follows:

Item 1

Document (a) – Cover sheet to draft answer to PQ 7607C.
Document (b) – Draft answer to PQ 7607C.
Document (c) – Background note to draft answer to PQ 7607C.

Item 2

Document (a) – Cover sheet to draft answer to PQ 7608C.
Document (b) – Draft answer to PQ 7608C.
Document (c) – Background note to draft answer to PQ 7608C.

Item 3

Document (a) – Letter to the Secretary of State from David Alton MP dated 16 May 1985.
Document (b) – Letter from Mr Ralph Noyes to Mr Alton dated 14 May 1985 and enclosed with Mr Alton's letter (3a).
Document (c) – Draft response from Under Secretary of State (Armed Forces) to Mr Alton.
Document (d) – Background minute to the draft response.

I believe that two factors must be considered. First, that the documents do indeed represent advice from officials to Ministers and therefore fall within the terms of Exemption 2. Second, that they contain no information about "the events of December 1980 in and around Woodbridge" that has not already been provided to Section 40

The background notes and draft responses do constitute "information whose disclosure would harm the frankness and candour of internal discussion." This is primarily through their status as "internal opinion, advice, recommendation, consultation and deliberation" although the background note to the PQ also includes some "information relating to [a] rejected policy option." Given that the documents do not provide any additional information on the subject raised by Section 40 I believe that the harm involved in releasing them outweighs the minimal public interest to be served by disclosure. In addition, as I believe you have often stated yourself, the Code gives a right of access to information, not to specific documents.

My final comment is about the time taken to handle Section 40 correspondence. As I have already said, a substantive reply was sent to his initial letter within 10 working days. His letter seeking an appeal was acknowledged within 20 working days, and the appeal itself was conducted and a reply sent within 31 working days. In mitigation, I would point out that the latter stage fell during the Christmas period when key staff were on holiday.

In conclusion, whilst this case has flagged up a need to improve administrative processes and ensure that we maintain reliable records of what documents have been released and withheld, I am satisfied that at every step we have acted in accordance with the Code. Section 40 was provided with a swift and very comprehensive response to his initial request, he was correctly informed that some information was being withheld under Exemption 2 and also told that he could request an internal review. At that review a fresh assessment was made and Section 40 was given a summary of the documents concerned to explain why Exemption 2 was relevant.

Having said this, I would be content to disclose to Section 40 those parts of the withheld documents (1a, 2a, 3a and 3b of Enclosure 7) that consist of correspondence sent to the Department and of cover sheets. I believe, however, that officials acted correctly in withholding under Exemption 2 the background notes and draft responses prepared for Ministers. These contain no further substantive information that would answer Section 40 original request, but their disclosure would harm the expectation about confidentiality of advice to Ministers that is at the heart of Exemption 2.

If you have any questions about what I recognise is a rather complex case, the official handling the matter here is Section 40 (Tel: Section 40

{Signed by Section 40
Assistant Private Secretary}

[Approved by Sir Kevin Tebbit and signed in his absence]

Section 40
Investigation Manager
Office of the Parliamentary Commissioner for Administration
Millbank Tower
Millbank
London SW1P 4QP

The National Archives' reference DEFE 24/2042/1

Copy (w/o encs) to:
PS/Personnel Director*
DG Info*
DAS*
Info Exp-Access AD*

The National Archives' reference DEFE 24/2042/1

LOOSE MINUTE

DG Info 3/1/3/1

11 April 2002

Draft - cleared by phone
DAS-LA-AD.
Section 40

PS/PUS

Copy to:
PS/ Personnel Director
DG Info
DAS

PARLIAMENTARY OMBUDSMAN – COMPLAINT BY Section 40

Reference:

A.29/02 dated 21 March 2001 from Office of the Parliamentary Ombudsman

Issue

1. How to respond to the Parliamentary Ombudsman, who wrote to PUS asking for comments on the complaint that has been lodged on behalf of Section 40 Section 40

Recommendation

2. To note the background to this case - which is necessarily rather long - and reply along the lines of the draft at Annex A (copy attached, and also provided in a separate envelope together with its supporting enclosures).

Timing

3. Urgent. The Ombudsman has asked for a response by **10 April**.

Background

4. The Parliamentary Ombudsman is investigating a complaint by Mike Hall MP on behalf of one of his constituents Section 40 - that the MOD is withholding information that should be disclosed under the terms of the Code of Practice on Access to Government Information (the Code). Such an investigation is the final level of appeal provided for under the Code. It follows branch level decision to withhold information, and independent review of that decision by D Info Exp.

5. The information sought by Section 40 relates to the reported sighting of UFOs in the vicinity of RAF Woodbridge, then a USAF base, in December 1980. Within

The National Archives' reference DEFE 24/2042/1

the community of UFO enthusiasts, this is one of the most notorious 'sightings'. It has attracted significant interest and speculation over the years (Lord Hill-Norton, a former CDS, has been one of the keenest questioners), and it is the subject of a recent book. Some time after the alleged incident, DS8 (a forerunner of the current DAS), compiled a file to bring together papers on the subject. This has become known as the Rendlesham File (a reference to Rendlesham Forest, the area where the lights were seen).

History of requests for the Rendlesham File

6. In April of last year, Section 40 a private researcher, sought access to the information held by MOD on the alleged incident. After reviewing the Rendlesham file against the Code of Practice exemptions, DAS concluded that there was no basis for withholding the majority of the contents. Accordingly, Section 40 was provided with all but five documents. He was notified that two of these had been withheld under Exemption 1 (relating to national security) and three under Exemption 2 (relating to internal advice). A number of subsequent requests for information on Rendlesham were handled in exactly the same way.

7. Section 40 and another correspondent Section 40 later submitted appeals for the five documents that had been withheld. After review, D Info(Exp) decided that the use of Exemption 1 was not sustainable and that the two documents concerned should therefore be released. However, he upheld the use of Exemption 2. With the intention of being as forthcoming as possible, the letters which communicated this decision to Section 40 and Section 40 gave them more information on the nature of the documents withheld. The outcome of the appeals was reported in the January 2002 edition of UFO Magazine (Enclosure 1). Although Section 40 expressed dissatisfaction, Section 40 appeared to accept the decision and to be happy with the information provided.

8. On 11th November 2001 Section 40 wrote to the Department (Enclosure 2). His letter raised a number of matters but included a request for "any information regarding the events of December 1980 in and around Woodbridge." He was duly provided with a copy of the Rendlesham file and notified (Enclosure 3) that three documents had been withheld under Exemption 2 of the Code. No information on the nature of the documents was given to Section 40 but, in accordance with standard policy, he was told of his right to appeal the decision to withhold them. He did so in a letter dated 27 November (Enclosure 4). In parallel Section 40 referred his case to Mike Hall (his local MP), who in turn urged the Secretary of State to reconsider the decision (Enclosure 5).

9. D Info(Exp) replied to Section 40 on 17 January 2002 (Enclosure 6). He explained that after reviewing the documents again, he remained satisfied that they constituted advice from officials to Ministers, and that it was therefore appropriate to withhold them under Exemption 2 of the Code. He also noted that the Code does not give an entitlement to specific documents, and that in this case some 174 pages of documents relating to the events in and around Woodbridge had been provided in response to Section 40 request. US of S sent a substantive response to Mr Hall in similar terms (Enclosure 7).

10. The Code sets a target of twenty working days in responding to requests for information and carrying out internal reviews. This target was met in providing the initial information to Section 40 The intervention of the Christmas period meant that it the internal review was not completed so swiftly, and Section 40 was sent a holding reply (Enclosure 8) to notify him that his appeal was being considered. The internal review was concluded in approximately thirty working days.

Exemption 2 of the Code

11. Exemption 2 protects,

> *"Information whose disclose would harm the frankness and candour of internal discussion, including:*
>
> *...internal opinion, advice, recommendation, consultation and deliberation;*
>
> *projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options."*

However, it is not sufficient merely to determine that information falls within the scope of Exemption 2. Even if this is the case ....

> *"the presumption remains that information should be disclosed unless the harm likely to arise from disclosure would outweigh the public interest in making the information available"*

12. In previous rulings on the use of Exemption 2 the Ombudsman has viewed this 'harm principle' as particularly important. For example, when the FCO withheld information relating to the Ilisu High Dam, he ruled that the public interest served by disclosure outweighed the general principle that the internal decision making process should remain confidential. In that particular case the Ombudsman ordered that a summary of the information (although not the documents themselves) be released.

Documents withheld from Section 40

13. In replying to Section 40 appeal (Enclosure 6), D InfoExp described the three documents in the following terms:

(a) An internal minute from a MOD official to a Minister's Office, submitting a draft response and an accompanying background note in respect of a PQ (No 7607C) tabled by Sir Patrick Wall MP.

(b) A duplicate copy of the first page of (a).

(c) An internal Minute from a MOD official to a Minister's office, submitting a draft response and accompanying background material in respect of a letter to the then Secretary of State for Defence, the Rt Hon Michael Heseltine MP, from David Alton MP, who had forwarded a letter from one of his constituents.

In practice item (a) consists of three separate documents (the covering minute; draft reply; and background note), and item (c) has four parts (a minute/background note; draft reply to Mr Alton; Mr Alton's letter; and the letter from his constituent). However, it has become apparent that not all of this information has been withheld.

14. As background for preparation of this submission DAS were asked to provide a copy of all the papers passed to Section 40 The pack supplied is at Enclosure 9. On examination this was found to contain two of the documents included with item (c) (specifically, the letter from Mr Alton and draft Ministerial reply to that letter), albeit that both documents had been sanitised to remove the name and address of the constituent. To complicate matters further it has now been found that item (b) is not a duplicate of the first page of item (a), but the covering minute to a different but linked PQ (No 7608C) for which the same background note was used. It now appears that DAS had intended to withhold the draft answers and background notes to both PQs but that, inadvertently, they withheld only the covering minute to PQ 7608C.

15. In summary, the position is that:

i. two of the documents which were reviewed as part of the internal review in January and which are now the subject of the appeal to the Ombudsman have actually been disclosed (Flags A and B in Enclosure 9);

ii. another document included in the Rendlesham pack (background note to PQ 7608C (Flag C)) is identical to one of the documents withheld;

iii. it had been the intention to withhold item (ii) and the draft PQ reply (Flag D) with which it is associated but, inadvertently, both are included in the Rendlesham pack.

16. Although I hesitate to add another layer of complexity, I must also point out that this is the best assessment of the situation pertaining to Section 40 The complication is that the Rendlesham pack has been reproduced at various times over the last year and it has not been the practice to retain a file copy of the documents released to each applicant (there have been 12 so far). Nonetheless, as Section 40 is one of the most recent applicants we can be reasonably sure that Enclosure 9 is the version he would have received.

Discussion of Options

17. In considering how to comment to the Ombudsman, it is necessary to reach an internal decision regarding continued disclosure of the documents that have mistakenly been released ((i) to (iii) above). Looking first at Flags C and D :

- If it were decided that we should continue to release these documents, it would become very difficult to maintain that the information associated with PQ 7607C should be withheld. The intention to withhold the draft replies and background notes was not based on the fact that they contain substantive information about Rendlesham, but to protect the precedent that advice to Ministers is not released (vide the recognition in Exemption 2 that this expectation of confidentiality allows

candour). If we *knowingly* continue to release the background note to PQ 7608C then this principle must be undermined. Although the background notes contain little substantive advice, it is worth noting that they do mention in the final paragraph a decision by US of S(AF) to publish quarterly compilations of UFO reports received by the MOD. Minister (AF) later decided against this and no such compilations were ever produced. The volte-face has not been questioned by any of the Rendlesham correspondents, but it is evidence of a change in policy that would have merited the use of Exemption 2.

- Turning next to Flag A, as a draft reply this constitutes part of the internal advice and so would have merited the use of Exemption 2.

- As a letter from an external correspondents (Mr Alton), Flag B would not justify the use of Exemption 2 when decoupled from the associated advice to Ministers. Similarly the letter from Mr Alton's constituent (which has <u>not</u> been disclosed), cannot on its own fall within Exemption 2, but it could have been withheld under Exemption 14 (as information provided in confidence). However, the Ombudsman is very unlikely to be sympathetic if we decide now to cite a different exemption as the basis for non disclosure.

18. A number of different lines could be taken in commenting to the Ombudsman. All of the options presented, however, are based on the premise that we will need to be open about the administrative errors that have now come to light. The Ombudsman must be expected to comment adversely on the break-down of internal processes, but acknowledgement of the mistakes and acceptance of the need to learn the relevant lessons may take the sting out of this.

<u>Option A</u> would say that as some of these items have been inadvertently released into the public domain, the remainder should also be released. This would undoubtedly please Section 40 and other applicants. The disadvantage is that it would weaken the precedent that internal advice is not disclosed, and it would be particularly difficult to use Exemption 2 in response to any other requests by the UFO community. Indeed, it may prompt appeals to the Ombudsman about previous refusals.

favoured – Section 40

<u>Option B</u> would be to continue to disclose the items that were inadvertently released, but to continue to withhold the others that have not. This would rely on the argument that items that constitute internal advice were released by mistake, and that although the error will not now be reversed it does not justify a decision to knowingly release other internal advice. The difficulty here is that one of the items that we would continue to withhold (the background note to PQ 7607C) is identical to an item that would continue to be released.

favoured – Section 40

<u>Option C</u> would be to argue that withholding the remaining items is justified because they contain no new information. This argument is based on the premise that Section 40 asked for 'information regarding the events of December 1980 in and around Rendlesham' and that the Code is not a right of access to documents, merely to information. A strong case can be made that in providing over 170 documents to Section 40 we have answered his request, and it is certainly true that the remaining documents contain no new

The National Archives' reference DEFE 24/2042/1

substantive information. However, given that this was not the stated basis for rejecting Section 40 appeal, this argument is not without flaws.

Option D would be to accept that some information has been inadvertently released to some applicants, but to explain that we would not want to perpetuate the error. In practice, to explain to the Ombudsman that we propose to revert to the original intention about what information should be withheld. Although this might lead to some future criticism from the Ombudsman and the UFO community, it would have the advantage of being consistent with the reasons the document were originally withheld, and with the decision of the internal review (Enclosure 6). The argument would be that not only do the documents contain no new substantive information but these particular items constitute internal advice and are therefore subject to Exemption 2 of the Code. The harm in releasing the documents would be that it would endanger the candour of internal advice as it would remove the presumption of confidentiality. Furthermore the fact that the documents contain no new information could be deployed to demonstrate that there is no public interest in releasing them.

Option E is a variant of D. This would follow the line set out above, but would release the cover sheets to the two PQ submissions and the two letters from external correspondents, as in isolation these do not constitute internal advice.

19. On balance, I recommend Option E. The merit is that this retains the principles on which MOD originally evaluated the documents contained within the Rendlesham File, and under which the internal reviews were subsequently carried out. The fact that some of the information was mistakenly disclosed does not alter the principle that it was appropriate to withhold it. Moreover, the documents withheld must be viewed in light of the 170 or so that have been disclosed. This demonstrates that the Department has taken its obligation under the Code seriously, and that the first instinct was to disclose, not to withhold information. The fact that all substantive information has already been released to Section 40 should also demonstrate that there is no further public interest to be served by disclosing the few documents that remain. Against this, the Ombudsman might take the view that as the information is now some 17 years old and the documents released inadvertently are already in the public domain, it is inappropriate to seek to maintain a principle that has already been breached.

Suggest clicked - comment passed to DHfo . . . . recommendation already made at beginning of paragraph.

Section 40

D Info Exp

Section 40

ANNEX A

DRAFT LETTER FROM PUS TO [ ], THE PARLIAMENTARY OMBUDSMAN

Section 40 [redacted]

1. Thank you for your letter of 21 March giving me the opportunity to comment on the complaint you are investigating on behalf of Section 40 [redacted]

2. Perhaps I could first set out the basic facts of the case and relevant background:

- Section 40 [redacted] wrote to the Department (Enclosure 1) on 11 November 2001 requesting "any information regarding the events of December 1980 in and around Woodbridge." This related to reported sightings of UFOs in Rendlesham Forest near RAF Woodbridge, a base occupied by the United States Air Force.

- Some time after 1980 a file had been compiled to bring together all known papers held by MOD on the subject of the alleged sightings. The release of documents contained within this "Rendlesham file" had first been considered in response to a request in May 2001 from a different correspondent. At that time five documents had been withheld: three under Exemption 2 and two under Exemption 1. The two papers withheld under Exemption 1 were subsequently released following an internal review after appeal.

- On 19 November 2001, Section 40 [redacted] was provided with the 'Rendlesham file' (over 170 pages of information) and notified that three documents had been withheld under Exemption 2 of the Code. Section 40 [redacted] was also notified of his right to request an internal review. (Enclosure 2)

- Section 40 [redacted] wrote on 27 November to request such a review. Section 40 [redacted] was notified on 2 January 2002 (Enclosure 3) that a review was taking place.

- On 17 January (Enclosure 4), Section 40 [redacted] was notified that the documents had been reviewed, but that we remained satisfied that they constituted advice from officials to Ministers, and therefore came within the scope of Exemption 2 of the Code. It was

also explained that the Code does not give an entitlement to specific documents, and that the 174 pages of documents provided in November contained the information he had requested. Section 40 was also given a description of the documents that had been withheld, and informed of his right to ask an MP to take up the matter with your office.

bullet 3 para 2 says '190 pages'.

- To date, Section 40 is one of twelve separate applicants to have been provided with the Rendlesham file.

3. In the course of compiling these comments it has unfortunately became apparent that the case is not as straightforward as it at first appears. When the Rendlesham file was reviewed for release in May 2001 the intention was to withhold five sets of documents:

Under Exemption 1 – a letter from a branch of the Ministry of Defence to RAF Neatishead concerning radar observations;

a letter from RAF Neatishead in response to the above enquiry.

Under Exemption 2 – a draft answer to Parliamentary Question (PQ) 7607C, complete with background note and cover sheet;

a draft answer to Parliamentary Question 7608C, complete with background note and cover sheet;

a background note and draft response to a letter from David Alton MP that enclosed a letter from one of his constituents (both letters were enclosed as part of the background to the case).

4. As I have already said, the documents withheld under Exemption 1 were subsequently released after an appeal and internal review. The complication with the documents withheld under Exemption 2 is that, in practice, some do not seem to have been removed when the file was copied for release: the enclosures concerned are flagged A to D in the copy of the file provided as Enclosure 4. It is not absolutely certain at what stage this error occurred, but it is very probable that it was prior to release of the file to Section 40

This means that he will already have one of the draft PQ answers complete with background note, Mr Alton's letter to the Department and a draft of the response to that letter (albeit sanitised to redact the name of the constituent).

5. Needless to say, I very much regret the occurrence of these administrative errors. This case was, I believe, a shining example of MOD's commitment to the Code of Practice on Access to Government Information and the principles it espouses. The officials concerned were motivated by a wish to provide as much information as possible, and after internal review the number of documents released has further increased. It is therefore unfortunate that these positive efforts should have been marred, and we must obviously learn the lessons. In particular, internal processes must be tightened to ensure that in future there is complete clarity about what has and has not been released. As it is, I would ask you to note that the error served to disclose information that should properly have been withheld.

6. Turning now to the specifics of Section 40 complaint, I believe it is appropriate to comment on all the documents that it had been the intention to withhold. I am taking this approach as it reflects the basis on which we now propose to handle any future requests for the Rendlesham file. For convenience the relevant documents are provided as Enclosure 5 and presented as follows:

Item 1

Document (a) – Cover sheet to draft answer to PQ 7607C.

Document (b) – Draft answer to PQ 7607C.

Document (c) – Background note to draft answer to PQ 7607C.

Item 2

Document (a) – Cover sheet to draft answer to PQ 7608C.

Document (b) – Draft answer to PQ 7608C.

Document (c) – Background note to draft answer to PQ 7608C.

The National Archives' reference DEFE 24/2042/1

Item 3

Document (a) – Letter to the Secretary of State from David Alton MP dated 16 May 1985.

Document (b) – Letter from Mr Ralph Noyes to Mr Alton dated 14 May 1985 and enclosed with Mr Alton's letter (3a).

Document (c) – Draft response from Under Secretary of State (Armed Forces) to Mr Alton.

Document (d) – Background minute to the draft response.

I believe that two key factors must be considered. First, that the documents do indeed represent advice from officials to Ministers and therefore fall within the terms of Exemption 2. Second, that they contain no information about "the events of December 1980 in and around Woodbridge" that has not already been provided to Section 40

7. The background notes and draft responses do constitute "information whose disclosure would harm the frankness and candour of internal discussion." This is primarily through their status as "internal opinion, advice, recommendation, consultation and deliberation" although the background note to the PQ also includes some "information relating to [a] rejected policy option." Given that the documents do not provide any additional information on the subject raised by Section 40 I believe that the harm involved in releasing them is outweighed by the minimal public interest to be served by disclosure. In addition, as I believe you have often stated yourself, the Code gives a right of access to information, not to specific documents.

→ I believe that the minimal Public interest to be served by disclosure is outweighed by the harm that would be involved in their release.

Is this correct?

8. My final comment is about the time taken to handle Section 40 correspondence. As I have already said, a substantive reply was sent to his initial letter within 10 working days. His letter seeking an appeal was acknowledged within 20 working days, and the appeal itself was conducted and a reply sent within 31 working days. In mitigation, I would point out that the latter stage fell during the Christmas period when key staff were on holiday.

9. In conclusion, whilst this case has flagged up a need to improve administrative processes and ensure that we maintain reliable records of what documents have been released and withheld, I am satisfied that at every step we have acted in accordance with the

The National Archives' reference DEFE 24/2042/1

Code. Section 40 was provided with a swift and very comprehensive response to his initial request, he was correctly informed that some information was being withheld under Exemption 2 and also told that he could request an internal review. At that review a fresh assessment was made and Section 40 was given a summary of the documents concerned to explain why Exemption 2 was relevant. I would be content to disclose to Section 40 those parts of the withheld documents (1a, 2a, 3a and 3b of Enclosure 5) that consist of correspondence sent to the Department and of cover sheets. I believe, however, that officials acted correctly in withholding under Exemption 2 the background notes and draft responses prepared for Ministers. These contain no further substantive information that would answer Section 40 original request, but their disclosure would harm the expectation about confidentiality of advice to Ministers that is at the heart of Exemption 2.

covering minutes?

10. If you have any questions about what I recognise is a rather complex case, the official handling the matter here is Section 40 (Tel: Section 40).

Section 40 You discussed – thanks.
Section 40 we have no doubt taken now
the necessary admin actions
required.
2. But wish to be helpful/authority
to reply – must remain aware
for information (we spoke).
the potential
for small issues
to escalate.

LOOSE MINUTE

DG Info 3/1/3/1

8 April 2002

1. DDAS - 9/4

2. Section 40 - it's still long, but I Section 40
have taken the detailed 9/4
comments we offered yesterday.

PS/PUS

Copy to:
PS/ Personnel Director }
DG Info } without enclosures
DAS }

Section 40 9/4

16

PARLIAMENTARY OMBUDSMAN – COMPLAINT BY Section 40

Reference:

A.29/02 dated 21 March 2001 from Office of the Parliamentary Ombudsman

Issue

1. How to respond to the Parliamentary Ombudsman, who wrote to PUS asking for comments on the complaint that has been lodged on behalf of Section 40 Section 40

Recommendation

2. To note the background to this case - which is necessarily rather long - and reply along the lines of the draft at Annex A (copy attached, and also provided in a separate envelope together with its supporting enclosures).

Timing

3. Urgent. The Ombudsman has asked for a response by **10 April**.

Background

4. The Parliamentary Ombudsman is investigating a complaint by Mike Hall MP on behalf of one of his constituents Section 40 - that the MOD is withholding information that should be disclosed under the terms of the Code of Practice on Access to Government Information (the Code). Such an investigation is the final level of appeal provided for under the Code. It follows branch level decision to withhold information, and independent review of that decision by my predecessor.

5. The information sought by Section 40 relates to the reported sighting of UFOs in the vicinity of RAF Woodbridge, then a USAF base, in December 1980. Within the community of UFO enthusiasts, this is one of the most noteworthy 'sightings'. It

has attracted significant interest and speculation over the years (Lord Hill-Norton, a former CDS, has been one of the keenest questioners), and it is the subject of a recent book. Some time after the alleged incident, DS8 (a forerunner of the current DAS), compiled a file to bring together papers on the subject. This has become known as the Rendlesham File (a reference to Rendlesham Forest, the area where the lights were seen).

History of requests for the Rendlesham File

6. In April of last year, Section 40 a private researcher, sought access to the information held by MOD on the alleged incident. After reviewing the Rendlesham file against the Code of Practice exemptions, DAS concluded that there was no basis for withholding the majority of the contents. Accordingly, Section 40 was provided with all but five documents. He was notified that two of these had been withheld under Exemption 1 (relating to national security) and three under Exemption 2 (relating to internal advice). A number of subsequent requests for information on Rendlesham were handled in exactly the same way.

7. Section 40 and another correspondent Section 40 later submitted appeals for the five documents that had been withheld. After review, my predecessor decided that the use of Exemption 1 was not sustainable and that the two documents concerned should therefore be released. However, he upheld the use of Exemption 2. With the intention of being as forthcoming as possible, the letters which communicated this decision to Section 40 and Section 40 gave them more information on the nature of the documents withheld. The outcome of the appeals was reported in the January 2002 edition of UFO Magazine (Enclosure 1). Although Section 40 expressed dissatisfaction, Section 40 appeared to accept the decision and to be happy with the information provided.

8. On 11th November 2001 Section 40 wrote to the Department (Enclosure 2). His letter raised a number of matters but included a request for "any information regarding the events of December 1980 in and around Woodbridge." He was duly provided with a copy of the Rendlesham file and notified (Enclosure 3) that three documents had been withheld under Exemption 2 of the Code. No information on the nature of the documents was given to Section 40 but, in accordance with standard policy, he was told of his right to appeal the decision to withhold them. He did so in a letter dated 27 November (Enclosure 4). In parallel Section 40 referred his case to Mike Hall (his local MP), who in turn urged the Secretary of State to reconsider the decision (Enclosure 5).

9. My predecessor replied to Section 40 on 17 January 2002 (Enclosure 6). He explained that after reviewing the documents again, he remained satisfied that they constituted advice from officials to Ministers, and that it was therefore appropriate to withhold them under Exemption 2 of the Code. He also noted that the Code does not give an entitlement to specific documents, and that in this case some 174 pages of documents relating to the events in and around Woodbridge had been provided in response to Section 40 request. US of S sent a substantive response to Mr Hall in similar terms (Enclosure 7).

10. The Code sets a target of twenty working days in responding to requests for information and carrying out internal reviews. This target was met in providing the initial information to Section 40 The intervention of the Christmas period meant that it the internal review was not completed so swiftly, and Section 40 was sent a holding reply (Enclosure 8) to notify him that his appeal was being considered. The internal review was concluded in approximately thirty working days.

Exemption 2 of the Code

11. Exemption 2 protects,

> *"Information whose disclose would harm the frankness and candour of internal discussion, including:*
>
> *...internal opinion, advice, recommendation, consultation and deliberation;*
>
> *projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options."*

However, it is not sufficient merely to determine that information falls within the scope of Exemption 2. Even if this is the case ....

> *"the presumption remains that information should be disclosed unless the harm likely to arise from disclosure would outweigh the public interest in making the information available"*

12. In previous rulings on the use of Exemption 2 the Ombudsman has viewed this 'harm principle' as particularly important. For example, when the FCO withheld information relating to the Ilisu High Dam, he ruled that the public interest served by disclosure outweighed the general principle that the internal decision making process should remain confidential. In that particular case the Ombudsman ordered that a summary of the information (although not the documents themselves) be released.

Documents withheld from Mr Morris

13. Enclosure 6 (the reply to Section 40 appeal) described the three documents in the following terms:

(a) An internal minute from a MOD official to a Minister's Office, submitting a draft response and an accompanying background note in respect of a PQ (No 7607C) tabled by Sir Patrick Wall MP.

(b) A duplicate copy of the first page of (a).

(c) An internal Minute from a MOD official to a Minister's office, submitting a draft response and accompanying background material in respect of a letter to the then Secretary of State for Defence, the Rt Hon Michael Heseltine MP, from David Alton MP, who had forwarded a letter from one of his constituents.

In practice item (a) consists of three separate documents (the covering minute; draft reply; and background note), and item (c) has four parts (a minute/background note; draft reply to Mr Alton; Mr Alton's letter; and the letter from his constituent). However, it has become apparent that not all of this information has been withheld.

14. As background for preparation of this submission DAS were asked to provide a copy of all the papers passed to Section 40 The pack supplied is at Enclosure 9. On examination this was found to contain two of the documents included with item (c) (specifically, the letter from Mr Alton and draft Ministerial reply to that letter), albeit that both documents had been sanitised to remove the name and address of the constituent. To complicate matters further it has now been found that item (b) is not a duplicate of the first page of item (a), but the covering minute to a different but linked PQ (No 7608C) for which the same background note was used. It now appears that DAS had intended to withhold the draft answers and background notes to both PQs but that, inadvertently, they withheld only the covering minute to PQ 7608C.

15. In summary, the position is that:

i. two of the documents which were reviewed as part of the internal review in January and which are now the subject of the appeal to the Ombudsman have actually been disclosed (Flags A and B in Enclosure 9);

ii. another document included in the Rendlesham pack (background note to PQ 7608C (Flag C)) is identical to one of the documents withheld;

iii. it had been the intention to withhold item (ii) and the draft PQ reply (Flag D) with which it is associated but, inadvertently, both are included in the Rendlesham pack.

16. Although I hesitate to add another layer of complexity, I must also point out that this is the best assessment of the situation pertaining to Section 40 The complication is that the Rendlesham pack has been reproduced at various times over the last year and it has not been the practice to retain a file copy of the documents released to each applicant (there have been 12 so far). Nonetheless, as Section 40 is one of the most recent applicants we can be reasonably sure that Enclosure 9 is the version he would have received.

Discussion of Options

17. In considering how to comment to the Ombudsman, it is necessary to reach an internal decision regarding continued disclosure of the documents that have mistakenly been released ((i) to (iii) above). Looking first at Flags C and D :

- If it were decided that we should continue to release these documents, it would become very difficult to maintain that the information associated with PQ 7607C should be withheld. The intention to withhold the draft replies and background notes was not based on the fact that they contain substantive information about Rendlesham, but to protect the precedent that advice to Ministers is not released (vide the recognition in Exemption 2 that this expectation of confidentiality allows

candour). If we *knowingly* continue to release the background note to PQ 7608C then this principle must be undermined. Although the background notes contain little substantive advice, it is worth noting that they do mention in the final paragraph a decision by US of S(AF) to publish quarterly compilations of UFO reports received by the MOD. Minister (AF) later decided against this and no such compilations were ever produced. The volte-face has not been questioned by any of the Rendlesham correspondents, but it is evidence of a change in policy that would have merited the use of Exemption 2.

- Turning next to Flag A, as a draft reply this constitutes part of the internal advice and so would have merited the use of Exemption 2.

- As a letter from an external correspondents (Mr Alton), Flag B would not justify the use of Exemption 2 when decoupled from the associated advice to Ministers. Similarly the letter from Mr Alton's constituent (which has <u>not</u> been disclosed), cannot on its own fall within Exemption 2, but it could have been withheld under Exemption 14 (as information provided in confidence). However, the Ombudsman is very unlikely to be sympathetic if we decide now to cite a different exemption as the basis for non disclosure.

18. A number of different lines could be taken in commenting to the Ombudsman. All of the options presented, however, are based on the premise that we will need to be open about the administrative errors that have now come to light. The Ombudsman must be expected to comment adversely on the break-down of internal processes, but acknowledgement of the mistakes and acceptance of the need to learn the relevant lessons may take the sting out of this.

<u>Option A</u> would say that as some of these items have been inadvertently released into the public domain, the remainder should also be released. This would undoubtedly please Section 40 and other applicants. The disadvantage is that it would weaken the precedent that internal advice is not disclosed, and it would be particularly difficult to use Exemption 2 in response to any other requests by the UFO community. Indeed, it may prompt appeals to the Ombudsman about previous refusals.

<u>Option B</u> would be to continue to disclose the items that were inadvertently released, but to continue to withhold the others that have not. This would rely on the argument that items that constitute internal advice were released by mistake, and that although the error will not now be reversed it does not justify a decision to knowingly release other internal advice. The difficulty here is that one of the items that we would continue to withhold (the background note to PQ 7607C) is identical to an item that would continue to be released.

<u>Option C</u> would be to argue that withholding the remaining items is justified because they contain no new information. This argument is based on the premise that Section 40 asked for 'information regarding the events of December 1980 in and around Rendlesham' and that the Code is not a right of access to documents, merely to information. A strong case can be made that in providing over 170 documents to Section 40 we have answered his request, and it is certainly true that the remaining documents contain no new

The National Archives' reference DEFE 24/2042/1

substantive information. However, given that this was not the stated basis for rejecting Section 40 appeal, this argument is not without flaws.

Option D would be to accept that some information has been inadvertently released to some applicants, but to explain that we would not want to perpetuate the error. In practice, to explain to the Ombudsman that we propose to revert to the original intention about what information should be withheld. Although this might lead to some future criticism from the Ombudsman and the UFO community, it would have the advantage of being consistent with the reasons the document were originally withheld, and with the decision of the internal review (Enclosure 6). The argument would be that not only do the documents contain no new substantive information but these particular items constitute internal advice and are therefore subject to Exemption 2 of the Code. The harm in releasing the documents would be that it would endanger the candour of internal advice as it would remove the presumption of confidentiality. Furthermore the fact that the documents contain no new information could be deployed to demonstrate that there is no public interest in releasing them.

Option E is a variant of D. This would follow the line set out above, but would release the cover sheets to the two PQ submissions and the two letters from external correspondents, as in isolation these do not constitute internal advice.

19. The arguments are finely balanced but my recommendation is to follow Option E. The merit is that this retains the principles on which MOD originally evaluated the documents contained within the Rendlesham File, and under which the internal reviews were subsequently carried out. The fact that some of the information was mistakenly disclosed does not alter the principle that it was appropriate to withhold it. Moreover, the documents withheld must be viewed in light of the 170 or so that have been disclosed. This demonstrates that the Department has taken its obligation under the Code seriously, and that the first instinct was to disclose, not to withhold information. The fact that all substantive information has already been released to Section 40 should also demonstrate that there is no further public interest to be served by disclosing the few documents that remain. It must be recognised, however, that the Ombudsman may well see matters differently. For example he might take the view that as the information is now some 17 years old and the documents released inadvertently are already in the public domain, it is inappropriate to seek to maintain a principle that has already been breached. Clearly we will have to wait and see and then consider our response in light of the premise on which he bases any case for disclosure.

20. Finally, I should mention that this submission has been cleared with DAS.

Section 40

D Info Exp

Section 40

The National Archives' reference DEFE 24/2042/1

ANNEX A

DRAFT LETTER FROM PUS TO SIR MICHAEL BUCKLEY, THE PARLIAMENTARY OMBUDSMAN

Section 40

1. Thank you for your letter of 21 March giving me the opportunity to comment on the complaint you are investigating on behalf of Section 40

2. Perhaps I could first set out the basic facts of the case and relevant background:

- Section 40 wrote to the Department (Enclosure 1) on 11 November 2001 requesting "any information regarding the events of December 1980 in and around Woodbridge." This related to reported sightings of UFOs in Rendlesham Forest near RAF Woodbridge, a base occupied by the United States Air Force.

- Some time after 1980 a file had been compiled to bring together all known papers held by MOD on the subject of the alleged sightings. The release of documents contained within this "Rendlesham file" had first been considered in response to a request in May 2001 from a different correspondent. At that time five documents had been withheld: three under Exemption 2 and two under Exemption 1. The two papers withheld under Exemption 1 were subsequently released following an internal review after appeal.

- On 19 November 2001, Section 40 was provided with the 'Rendlesham file' (over 170 pages of information) and notified that three documents had been withheld under Exemption 2 of the Code. Section 40 was also notified of his right to request an internal review. (Enclosure 2)

- Section 40 wrote on 27 November to request such a review. Section 40 was notified on 2 January 2002 (Enclosure 3) that a review was taking place.

- On 17 January (Enclosure 4), Section 40 was notified that the documents had been reviewed, but that we remained satisfied that they constituted advice from officials to

Ministers, and therefore came within the scope of Exemption 2 of the Code. It was also explained that the Code does not give an entitlement to specific documents, and that the 174 pages of documents provided in November contained the information he had requested. Section 40 was also given a description of the documents that had been withheld, and informed of his right to ask an MP to take up the matter with your office.

- To date, Section 40 is one of twelve separate applicants to have been provided with the Rendlesham file.

3. In the course of compiling these comments it has unfortunately became apparent that the case is not as straightforward as it at first appears. When the Rendlesham file was reviewed for release in May 2001 the intention was to withhold five sets of documents:

Under Exemption 1 – a letter from a branch of the Ministry of Defence to RAF Neatishead concerning radar observations;

a letter from RAF Neatishead in response to the above enquiry.

Under Exemption 2 – a draft answer to Parliamentary Question (PQ) 7607C, complete with background note and cover sheet;

a draft answer to Parliamentary Question 7608C, complete with background note and cover sheet;

a background note and draft response to a letter from David Alton MP that enclosed a letter from one of his constituents (both letters were enclosed as part of the background to the case).

4. As I have already said, the documents withheld under Exemption 1 were subsequently released after an appeal and internal review. The complication with the documents withheld under Exemption 2 is that, in practice, some do not seem to have been removed when the file was copied for release: the enclosures concerned are flagged A to D in the copy of the file provided as Enclosure 5. It is not absolutely certain at what stage this

The National Archives' reference DEFE 24/2042/1

error occurred, but it is very probable that it was prior to release of the file to Section 40 This means that he will already have one of the draft PQ answers complete with background note, Mr Alton's letter to the Department and a draft of the response to that letter (albeit sanitised to redact the name of the constituent).

5. Needless to say, I very much regret the occurrence of these administrative errors. This case was, I believe, a shining example of MOD's commitment to the Code of Practice on Access to Government Information and the principles it espouses. The officials concerned were motivated by a wish to provide as much information as possible, and after internal review the number of documents released has further increased. It is therefore unfortunate that these positive efforts should have been marred, and we must obviously learn the lessons. In particular, internal processes will be tightened to ensure that in future there is complete clarity about what has and has not been released. As it is, I would ask you to note that the error served to disclose information that should properly have been withheld.

6. Turning now to the specifics of Section 40 complaint, I believe it is appropriate to comment on all the documents that it had been the intention to withhold. I am taking this approach as it reflects the basis on which we now propose to handle any future requests for the Rendlesham file. For convenience the relevant documents are provided as Enclosure 6 and presented as follows:

Item 1

Document (a) – Cover sheet to draft answer to PQ 7607C.
Document (b) – Draft answer to PQ 7607C.
Document (c) – Background note to draft answer to PQ 7607C.

Item 2

Document (a) – Cover sheet to draft answer to PQ 7608C.
Document (b) – Draft answer to PQ 7608C.
Document (c) – Background note to draft answer to PQ 7608C.

The National Archives' reference DEFE 24/2042/1

Item 3

Document (a) – Letter to the Secretary of State from David Alton MP dated 16 May 1985.

Document (b) – Letter from Mr Ralph Noyes to Mr Alton dated 14 May 1985 and enclosed with Mr Alton's letter (3a).

Document (c) – Draft response from Under Secretary of State (Armed Forces) to Mr Alton.

Document (d) – Background minute to the draft response.

I believe that two key factors must be considered. First, that the documents do indeed represent advice from officials to Ministers and therefore fall within the terms of Exemption 2. Second, that they contain no information about "the events of December 1980 in and around Woodbridge" that has not already been provided to Section 40

7. The background notes and draft responses do constitute "information whose disclosure would harm the frankness and candour of internal discussion." This is primarily through their status as "internal opinion, advice, recommendation, consultation and deliberation" although the background note to the PQ also includes some "information relating to [a] rejected policy option." Given that the documents do not provide any additional information on the subject raised by Section 40 I believe that the harm involved in releasing them outweighs the minimal public interest to be served by disclosure. In addition, as I believe you have often stated yourself, the Code gives a right of access to information, not to specific documents.

8. My final comment is about the time taken to handle Section 40 correspondence. As I have already said, a substantive reply was sent to his initial letter within 10 working days. His letter seeking an appeal was acknowledged within 20 working days, and the appeal itself was conducted and a reply sent within 31 working days. In mitigation, I would point out that the latter stage fell during the Christmas period when key staff were on holiday.

9. In conclusion, whilst this case has flagged up a need to improve administrative processes and ensure that we maintain reliable records of what documents have been

The National Archives' reference DEFE 24/2042/1

released and withheld, I am satisfied that at every step we have acted in accordance with the Code. Section 40 was provided with a swift and very comprehensive response to his initial request, he was correctly informed that some information was being withheld under Exemption 2 and also told that he could request an internal review. At that review a fresh assessment was made and Section 40 was given a summary of the documents concerned to explain why Exemption 2 was relevant. I would be content to disclose to Section 40 those parts of the withheld documents (1a, 2a, 3a and 3b of Enclosure 6) that consist of correspondence sent to the Department and of cover sheets. I believe, however, that officials acted correctly in withholding under Exemption 2 the background notes and draft responses prepared for Ministers. These contain no further substantive information that would answer Section 40 original request, but their disclosure would harm the expectation about confidentiality of advice to Ministers that is at the heart of Exemption 2.

10. If you have any questions about what I recognise is a rather complex case, the official handling the matter here is Section 40 (Tel Section 40

The National Archives' reference DEFE 24/2042/1

1) Section 40 2) Section 40

94

ENCLOSURE NUMBER 15

COVERING UNCLASSIFIED/RESTRICTED
UKEA/UKEB/NATO/UK/US EYES ONLY
STAFF/CONTRACT/MANAGEMENT

UNCLASSIFIED

DAS CORRESPONDENCE

SUBJECT: LETTER FROM THE PARLIAMENTARY OMB Section 40

DAS Section 40 94 **588** **DAS DD** [redacted] 12/4.

ACTION **MONITOR** **INFO** **ACTION BY COP:**

DAS AD(C&D) _____
DAS(C&D)1 _____
DAS(C&D)2 _____
DAS(C&D)3 _____
DAS(C&D)4 _____
DAS(C&D)5 _____
DAS(MANP) _____

DAS AD(INTL) _____
DAS(INTL)1 _____
DAS(INTL)1a _____
DAS(INTL)2 _____
DAS(INTL)3 _____

DAS AD(Sec&VF) _____
DAS(Sec) _____
DAS(Sec)1 _____
DAS(Sec)2 _____
DAS(VF) _____
DAS(VF)1 _____
DAS(VF)1a _____
DAS(VF)2 _____

DAS AD(LA) _____
DAS(LA)P&P _____
DAS(LA) Ops _____
DAS(LA) Ops+Pol _____
DAS(LA) Ops+Pol1 _____
DAS(LA) Ops+Pol1a _____
DAS(LA) Ops+Pol2 _____
DAS(LA) Ops+Pol2a _____
DAS(LA) C&E _____
DAS(LA) C&E1 _____
DAS(LA) C&E1a _____
DAS(LA) C&E1b _____
DAS(LA) C&E1c _____

DAS AD(IX) _____
DAS(IX)GS _____
DAS(IX)GS1 _____
DAS(IX)GS2 _____
DAS(IX)GS3 _____
DAS(IX)OP _____ (Bentley Priory)
DAS(IX)OP1 _____ (Bentley Priory)
DAS(IX)WEB _____

Briefing Cell
DAS(BC)1 _____
DAS(BC)2 _____

DAS(EXEC)MIL _____
DAS(EXEC)MIL1 _____
DAS(EXEC)REG1 _____
DAS(EXEC)REG2 _____
DAS(EXEC)REG3 _____
DAS(EXEC)FIN _____

PSO/ACAS _____

Comments by DAS/DAS DD:

Be discuss. 12/4

Comments by AD (CD)/(INTL)/(Sec&VF)/(LA)/(IX):

Desk Officer Note:

DD & OIB discussed this on 12/4. OIB was content that procedures have been put in place to ensure that the oversight which happened in the case is not repeated. Section 40

Section 40

FILE: D/DAS/ / / / /

STAFF/CONTRACT/MANAGEMENT
UKEA/UKEB/NATO/UK/US EYES ONLY

UNCLASSIFIED

COVERING UNCLASSIFIED/RESTRICTED

DAS-PS

From: InfoExp-AccessAD
Sent: 08 April 2002 17:11
To: PUS Outer Office
Cc: Personnel Director-PS; DGInfo; DAS
Subject: Submission: Letter from the Parliamentary Ombudsman - Section 40

A submission from D Info Exp is attached. Please note that a hard copy together with all the supporting enclosures will be delivered to you by hand (not to copy addressees).

Section 40

Section 40

Section 40

The National Archives' reference DEFE 24/2042/1

LOOSE MINUTE

DG Info 3/1/3/1

8 April 2002

PS/PUS

Copy to:
PS/ Personnel Director }
DG Info } without enclosures
DAS }

PARLIAMENTARY OMBUDSMAN – COMPLAINT BY Section 40 [redacted]

Reference:

A.29/02 dated 21 March 2001 from Office of the Parliamentary Ombudsman

Issue

1. How to respond to the Parliamentary Ombudsman, who wrote to PUS asking for comments on the complaint that has been lodged on behalf of Section 40 Section 40 [redacted]

Recommendation

2. To note the background to this case - which is necessarily rather long - and reply along the lines of the draft at Annex A (copy attached, and also provided in a separate envelope together with its supporting enclosures).

Timing

3. Urgent. The Ombudsman has asked for a response by **10 April**.

Background

4. The Parliamentary Ombudsman is investigating a complaint by Mike Hall MP on behalf of one of his constituents - Section 40 [redacted] - that the MOD is withholding information that should be disclosed under the terms of the Code of Practice on Access to Government Information (the Code). Such an investigation is the final level of appeal provided for under the Code. It follows branch level decision to withhold information, and independent review of that decision by my predecessor.

5. The information sought by Section 40 relates to the reported sighting of UFOs in the vicinity of RAF Woodbridge, then a USAF base, in December 1980. Within the community of UFO enthusiasts, this is one of the most noteworthy 'sightings'. It

has attracted significant interest and speculation over the years (Lord Hill-Norton, a former CDS, has been one of the keenest questioners), and it is the subject of a recent book. Some time after the alleged incident, DS8 (a forerunner of the current DAS), compiled a file to bring together papers on the subject. This has become known as the Rendlesham File (a reference to Rendlesham Forest, the area where the lights were seen).

History of requests for the Rendlesham File

6. In April of last year, Section 40 a private researcher, sought access to the information held by MOD on the alleged incident. After reviewing the Rendlesham file against the Code of Practice exemptions, DAS concluded that there was no basis for withholding the majority of the contents. Accordingly, Section 40 was provided with all but five documents. He was notified that two of these had been withheld under Exemption 1 (relating to national security) and three under Exemption 2 (relating to internal advice). A number of subsequent requests for information on Rendlesham were handled in exactly the same way.

7. Section 40 and another correspondent Section 40 later submitted appeals for the five documents that had been withheld. After review, my predecessor decided that the use of Exemption 1 was not sustainable and that the two documents concerned should therefore be released. However, he upheld the use of Exemption 2. With the intention of being as forthcoming as possible, the letters which communicated this decision to Section 40 and Section 40 gave them more information on the nature of the documents withheld. The outcome of the appeals was reported in the January 2002 edition of UFO Magazine (Enclosure 1). Although Section 40 expressed dissatisfaction, Section 40 appeared to accept the decision and to be happy with the information provided.

8. On 11th November 2001 Section 40 wrote to the Department (Enclosure 2). His letter raised a number of matters but included a request for "any information regarding the events of December 1980 in and around Woodbridge." He was duly provided with a copy of the Rendlesham file and notified (Enclosure 3) that three documents had been withheld under Exemption 2 of the Code. No information on the nature of the documents was given to Section 40 but, in accordance with standard policy, he was told of his right to appeal the decision to withhold them. He did so in a letter dated 27 November (Enclosure 4). In parallel Section 40 referred his case to Mike Hall (his local MP), who in turn urged the Secretary of State to reconsider the decision (Enclosure 5).

9. My predecessor replied to Section 40 on 17 January 2002 (Enclosure 6). He explained that after reviewing the documents again, he remained satisfied that they constituted advice from officials to Ministers, and that it was therefore appropriate to withhold them under Exemption 2 of the Code. He also noted that the Code does not give an entitlement to specific documents, and that in this case some 174 pages of documents relating to the events in and around Woodbridge had been provided in response to Section 40 request. US of S sent a substantive response to Mr Hall in similar terms (Enclosure 7).

10. The Code sets a target of twenty working days in responding to requests for information and carrying out internal reviews. This target was met in providing the initial information to Section 40 The intervention of the Christmas period meant that it the internal review was not completed so swiftly, and Section 40 was sent a holding reply (Enclosure 8) to notify him that his appeal was being considered. The internal review was concluded in approximately thirty working days.

Exemption 2 of the Code

11. Exemption 2 protects,

> *"Information whose disclose would harm the frankness and candour of internal discussion, including:*
>
> *...internal opinion, advice, recommendation, consultation and deliberation;*
>
> *projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options."*

However, it is not sufficient merely to determine that information falls within the scope of Exemption 2. Even if this is the case ....

> *"the presumption remains that information should be disclosed unless the harm likely to arise from disclosure would outweigh the public interest in making the information available"*

12. In previous rulings on the use of Exemption 2 the Ombudsman has viewed this 'harm principle' as particularly important. For example, when the FCO withheld information relating to the Ilisu High Dam, he ruled that the public interest served by disclosure outweighed the general principle that the internal decision making process should remain confidential. In that particular case the Ombudsman ordered that a summary of the information (although not the documents themselves) be released.

Documents withheld from Section 40

13. Enclosure 6 (the reply to Section 40 appeal) described the three documents in the following terms:

(a) An internal minute from a MOD official to a Minister's Office, submitting a draft response and an accompanying background note in respect of a PQ (No 7607C) tabled by Sir Patrick Wall MP.

(b) A duplicate copy of the first page of (a).

(c) An internal Minute from a MOD official to a Minister's office, submitting a draft response and accompanying background material in respect of a letter to the then Secretary of State for Defence, the Rt Hon Michael Heseltine MP, from David Alton MP, who had forwarded a letter from one of his constituents.

The National Archives' reference DEFE 24/2042/1

In practice item (a) consists of three separate documents (the covering minute; draft reply; and background note), and item (c) has four parts (a minute/background note; draft reply to Mr Alton; Mr Alton's letter; and the letter from his constituent). However, it has become apparent that not all of this information has been withheld.

14. As background for preparation of this submission DAS were asked to provide a copy of all the papers passed to Section 40 The pack supplied is at Enclosure 9. On examination this was found to contain two of the documents included with item (c) (specifically, the letter from Mr Alton and draft Ministerial reply to that letter), albeit that both documents had been sanitised to remove the name and address of the constituent. To complicate matters further it has now been found that item (b) is not a duplicate of the first page of item (a), but the covering minute to a different but linked PQ (No 7608C) for which the same background note was used. It now appears that DAS had intended to withhold the draft answers and background notes to both PQs but that, inadvertently, they withheld only the covering minute to PQ 7608C.

15. In summary, the position is that:

i. two of the documents which were reviewed as part of the internal review in January and which are now the subject of the appeal to the Ombudsman have actually been disclosed (Flags A and B in Enclosure 9);

ii. another document included in the Rendlesham pack (background note to PQ 7608C (Flag C)) is identical to one of the documents withheld;

iii. it had been the intention to withhold item (ii) and the draft PQ reply (Flag D) with which it is associated but, inadvertently, both are included in the Rendlesham pack.

16. Although I hesitate to add another layer of complexity, I must also point out that this is the best assessment of the situation pertaining to Section 40 The complication is that the Rendlesham pack has been reproduced at various times over the last year and it has not been the practice to retain a file copy of the documents released to each applicant (there have been 12 so far). Nonetheless, as Section 40 is one of the most recent applicants we can be reasonably sure that Enclosure 9 is the version he would have received.

Discussion of Options

17. In considering how to comment to the Ombudsman, it is necessary to reach an internal decision regarding continued disclosure of the documents that have mistakenly been released ((i) to (iii) above). Looking first at Flags C and D :

- If it were decided that we should continue to release these documents, it would become very difficult to maintain that the information associated with PQ 7607C should be withheld. The intention to withhold the draft replies and background notes was not based on the fact that they contain substantive information about Rendlesham, but to protect the precedent that advice to Ministers is not released (vide the recognition in Exemption 2 that this expectation of confidentiality allows

candour). If we *knowingly* continue to release the background note to PQ 7608C then this principle must be undermined. Although the background notes contain little substantive advice, it is worth noting that they do mention in the final paragraph a decision by US of S(AF) to publish quarterly compilations of UFO reports received by the MOD. Minister (AF) later decided against this and no such compilations were ever produced. The volte-face has not been questioned by any of the Rendlesham correspondents, but it is evidence of a change in policy that would have merited the use of Exemption 2.

- Turning next to Flag A, as a draft reply this constitutes part of the internal advice and so would have merited the use of Exemption 2.

- As a letter from an external correspondents (Mr Alton), Flag B would not justify the use of Exemption 2 when decoupled from the associated advice to Ministers. Similarly the letter from Mr Alton's constituent (which has <u>not</u> been disclosed), cannot on its own fall within Exemption 2, but it could have been withheld under Exemption 14 (as information provided in confidence). However, the Ombudsman is very unlikely to be sympathetic if we decide now to cite a different exemption as the basis for non disclosure.

18. A number of different lines could be taken in commenting to the Ombudsman. All of the options presented, however, are based on the premise that we will need to be open about the administrative errors that have now come to light. The Ombudsman must be expected to comment adversely on the break-down of internal processes, but acknowledgement of the mistakes and acceptance of the need to learn the relevant lessons may take the sting out of this.

<u>Option A</u> would say that as some of these items have been inadvertently released into the public domain, the remainder should also be released. This would undoubtedly please Section 40 and other applicants. The disadvantage is that it would weaken the precedent that internal advice is not disclosed, and it would be particularly difficult to use Exemption 2 in response to any other requests by the UFO community. Indeed, it may prompt appeals to the Ombudsman about previous refusals.

<u>Option B</u> would be to continue to disclose the items that were inadvertently released, but to continue to withhold the others that have not. This would rely on the argument that items that constitute internal advice were released by mistake, and that although the error will not now be reversed it does not justify a decision to knowingly release other internal advice. The difficulty here is that one of the items that we would continue to withhold (the background note to PQ 7607C) is identical to an item that would continue to be released.

<u>Option C</u> would be to argue that withholding the remaining items is justified because they contain no new information. This argument is based on the premise that Section 40 asked for 'information regarding the events of December 1980 in and around Rendlesham' and that the Code is not a right of access to documents, merely to information. A strong case can be made that in providing over 170 documents to Section 40 we have answered his request, and it is certainly true that the remaining documents contain no new

The National Archives' reference DEFE 24/2042/1

substantive information. However, given that this was not the stated basis for rejecting Section 40 appeal, this argument is not without flaws.

Option D would be to accept that some information has been inadvertently released to some applicants, but to explain that we would not want to perpetuate the error. In practice, to explain to the Ombudsman that we propose to revert to the original intention about what information should be withheld. Although this might lead to some future criticism from the Ombudsman and the UFO community, it would have the advantage of being consistent with the reasons the document were originally withheld, and with the decision of the internal review (Enclosure 6). The argument would be that not only do the documents contain no new substantive information but these particular items constitute internal advice and are therefore subject to Exemption 2 of the Code. The harm in releasing the documents would be that it would endanger the candour of internal advice as it would remove the presumption of confidentiality. Furthermore the fact that the documents contain no new information could be deployed to demonstrate that there is no public interest in releasing them.

Option E is a variant of D. This would follow the line set out above, but would release the cover sheets to the two PQ submissions and the two letters from external correspondents, as in isolation these do not constitute internal advice.

19. The arguments are finely balanced but my recommendation is to follow Option E. The merit is that this retains the principles on which MOD originally evaluated the documents contained within the Rendlesham File, and under which the internal reviews were subsequently carried out. The fact that some of the information was mistakenly disclosed does not alter the principle that it was appropriate to withhold it. Moreover, the documents withheld must be viewed in light of the 170 or so that have been disclosed. This demonstrates that the Department has taken its obligation under the Code seriously, and that the first instinct was to disclose, not to withhold information. The fact that all substantive information has already been released to Section 40 should also demonstrate that there is no further public interest to be served by disclosing the few documents that remain. It must be recognised, however, that the Ombudsman may well see matters differently. For example he might take the view that as the information is now some 17 years old and the documents released inadvertently are already in the public domain, it is inappropriate to seek to maintain a principle that has already been breached. Clearly we will have to wait and see and then consider our response in light of the premise on which he bases any case for disclosure.

20. Finally, I should mention that this submission has been cleared with DAS.

Section 40 [redacted]

D Info Exp

Section 40 [redacted]

The National Archives' reference DEFE 24/2042/1

ANNEX A

DRAFT LETTER FROM PUS TO SIR MICHAEL BUCKLEY, THE PARLIAMENTARY OMBUDSMAN

Section 40

1. Thank you for your letter of 21 March giving me the opportunity to comment on the complaint you are investigating on behalf of Section 40

2. Perhaps I could first set out the basic facts of the case and relevant background:

- Section 40 wrote to the Department (Enclosure 1) on 11 November 2001 requesting "any information regarding the events of December 1980 in and around Woodbridge." This related to reported sightings of UFOs in Rendlesham Forest near RAF Woodbridge, a base occupied by the United States Air Force.

- Some time after 1980 a file had been compiled to bring together all known papers held by MOD on the subject of the alleged sightings. The release of documents contained within this "Rendlesham file" had first been considered in response to a request in May 2001 from a different correspondent. At that time five documents had been withheld: three under Exemption 2 and two under Exemption 1. The two papers withheld under Exemption 1 were subsequently released following an internal review after appeal.

- On 19 November 2001, Section 40 was provided with the 'Rendlesham file' (over 170 pages of information) and notified that three documents had been withheld under Exemption 2 of the Code. Section 40 was also notified of his right to request an internal review. (Enclosure 2)

- Section 40 wrote on 27 November to request such a review. Section 40 was notified on 2 January 2002 (Enclosure 3) that a review was taking place.

- On 17 January (Enclosure 4) Section 40 was notified that the documents had been reviewed, but that we remained satisfied that they constituted advice from officials to

Ministers, and therefore came within the scope of Exemption 2 of the Code. It was also explained that the Code does not give an entitlement to specific documents, and that the 174 pages of documents provided in November contained the information he had requested. Section 40 was also given a description of the documents that had been withheld, and informed of his right to ask an MP to take up the matter with your office.

- To date, Section 40 is one of twelve separate applicants to have been provided with the Rendlesham file.

3. In the course of compiling these comments it has unfortunately became apparent that the case is not as straightforward as it at first appears. When the Rendlesham file was reviewed for release in May 2001 the intention was to withhold five sets of documents:

Under Exemption 1 – a letter from a branch of the Ministry of Defence to RAF Neatishead concerning radar observations;

a letter from RAF Neatishead in response to the above enquiry.

Under Exemption 2 – a draft answer to Parliamentary Question (PQ) 7607C, complete with background note and cover sheet;

a draft answer to Parliamentary Question 7608C, complete with background note and cover sheet;

a background note and draft response to a letter from David Alton MP that enclosed a letter from one of his constituents (both letters were enclosed as part of the background to the case).

4. As I have already said, the documents withheld under Exemption 1 were subsequently released after an appeal and internal review. The complication with the documents withheld under Exemption 2 is that, in practice, some do not seem to have been removed when the file was copied for release: the enclosures concerned are flagged A to D in the copy of the file provided as Enclosure 5. It is not absolutely certain at what stage this

The National Archives' reference DEFE 24/2042/1

error occurred, but it is very probable that it was prior to release of the file to Section 40 This means that he will already have one of the draft PQ answers complete with background note, Mr Alton's letter to the Department and a draft of the response to that letter (albeit sanitised to redact the name of the constituent).

5. Needless to say, I very much regret the occurrence of these administrative errors. This case was, I believe, a shining example of MOD's commitment to the Code of Practice on Access to Government Information and the principles it espouses. The officials concerned were motivated by a wish to provide as much information as possible, and after internal review the number of documents released has further increased. It is therefore unfortunate that these positive efforts should have been marred, and we must obviously learn the lessons. In particular, internal processes will be tightened to ensure that in future there is complete clarity about what has and has not been released. As it is, I would ask you to note that the error served to disclose information that should properly have been withheld.

6. Turning now to the specifics of Section 40 complaint, I believe it is appropriate to comment on all the documents that it had been the intention to withhold. I am taking this approach as it reflects the basis on which we now propose to handle any future requests for the Rendlesham file. For convenience the relevant documents are provided as Enclosure 6 and presented as follows:

Item 1

Document (a) – Cover sheet to draft answer to PQ 7607C.

Document (b) – Draft answer to PQ 7607C.

Document (c) – Background note to draft answer to PQ 7607C.

Item 2

Document (a) – Cover sheet to draft answer to PQ 7608C.

Document (b) – Draft answer to PQ 7608C.

Document (c) – Background note to draft answer to PQ 7608C.

The National Archives' reference DEFE 24/2042/1

Item 3

Document (a) – Letter to the Secretary of State from David Alton MP dated 16 May 1985.

Document (b) – Letter from Mr Ralph Noyes to Mr Alton dated 14 May 1985 and enclosed with Mr Alton's letter (3a).

Document (c) – Draft response from Under Secretary of State (Armed Forces) to Mr Alton.

Document (d) – Background minute to the draft response.

I believe that two key factors must be considered. First, that the documents do indeed represent advice from officials to Ministers and therefore fall within the terms of Exemption 2. Second, that they contain no information about "the events of December 1980 in and around Woodbridge" that has not already been provided to Section 40

7. The background notes and draft responses do constitute "information whose disclosure would harm the frankness and candour of internal discussion." This is primarily through their status as "internal opinion, advice, recommendation, consultation and deliberation" although the background note to the PQ also includes some "information relating to [a] rejected policy option." Given that the documents do not provide any additional information on the subject raised by Section 40 I believe that the harm involved in releasing them outweighs the minimal public interest to be served by disclosure. In addition, as I believe you have often stated yourself, the Code gives a right of access to information, not to specific documents.

8. My final comment is about the time taken to handle Section 40 correspondence. As I have already said, a substantive reply was sent to his initial letter within 10 working days. His letter seeking an appeal was acknowledged within 20 working days, and the appeal itself was conducted and a reply sent within 31 working days. In mitigation, I would point out that the latter stage fell during the Christmas period when key staff were on holiday.

9. In conclusion, whilst this case has flagged up a need to improve administrative processes and ensure that we maintain reliable records of what documents have been

released and withheld, I am satisfied that at every step we have acted in accordance with the Code. Section 40 was provided with a swift and very comprehensive response to his initial request, he was correctly informed that some information was being withheld under Exemption 2 and also told that he could request an internal review. At that review a fresh assessment was made and Section 40 was given a summary of the documents concerned to explain why Exemption 2 was relevant. I would be content to disclose to Section 40 those parts of the withheld documents (1a, 2a, 3a and 3b of Enclosure 6) that consist of correspondence sent to the Department and of cover sheets. I believe, however, that officials acted correctly in withholding under Exemption 2 the background notes and draft responses prepared for Ministers. These contain no further substantive information that would answer Section 40 original request, but their disclosure would harm the expectation about confidentiality of advice to Ministers that is at the heart of Exemption 2.

10. If you have any questions about what I recognise is a rather complex case, the official handling the matter here is Section 40 (Tel Section 40).

05/04/2002 06:55

14

=== COVER PAGE ===

TO: _____

FROM: DINFOEXP

FAX: Section 40

TEL:

COMMENT:

Section 40 - URGENT

Here is Section 40 draft which he faxed over last thing on Friday. I didn't realise there were quiet so many options but I have read through it and it looks ok to me. He did stress it may change a little by the time you see the finished version on Monday.

Section 40

5/4/2002

The National Archives' reference DEFE 24/2042/1

Ministry of Defence
Facsimile Transmission Cover Sheet

Transmission Details		Document Details
From: Section 40 Info-Access2 Room 819 St Giles Court 1-13 St Giles High Street London WC2H 8LD	Fax Number: Section 40 Tel Number: Section 40	Reference: DG Info 3/1/3/1 Date: 5 April 2002
To: Section 40	Fax Number: Section 40	Subject: Ombudsman Investigation
Total number of pages (including this cover sheet)	7	

Section 40

Please find attached a rough draft of the loose minute in response to the Ombudsman's investigation. There will still be changes to this, but hopefully they will merely be cosmetic. A final form will not exist until Monday, and the possibility remains that it may be substantially different to this. The likelihood is, however, that there will be no major changes.

Regards

Section 40

The National Archives' reference DEFE 24/2042/1

LOOSE MINUTE

DG Info 3/1/3/1

April 2002

~~APS/PUS~~ DRAFT.

Copy to:

PARLIAMENTARY OMBUDSMAN – COMPLAINT BY Section 40

Reference: A.29/02 dated 21 March 2001 from the Office of the Parliamentary Ombudsman

Issue

How to respond to the Parliamentary Ombudsman, who wrote to PUS asking for comments on the complaint that has been lodged on behalf of Section 40 Section 40

Recommendation

To note the background to this case and to reply along the lines of the attached draft.

Timing

Urgent. The Ombudsman has asked for a response by **10 April**.

Background

The Parliamentary Ombudsman is investigating a complaint by Mike Hall MP on behalf of one of his constituents - Section 40 - that the MOD is withholding information that should be disclosed under the terms of the Code of Practice on Access to Government Information (the Code). Such an investigation is the final level of appeal provided for under the Code. It follows branch level decision to withhold information, and independent review of that decision by D Info Exp.

The information sought by Section 40 relates to the reported sighting of UFOs in the vicinity of RAF Woodbridge, then a USAF base, in December 1980. Within the community of UFO enthusiasts, this is one of the most notorious 'sightings'. It has attracted significant interest and speculation over the years (Lord Hill-Norton, a former CDS, has been one of the keenest questioners), and it is the subject of a recent book. Some time after the alleged incident, DS8 (a forerunner of the current DAS), compiled a file to bring together papers on the subject. This has become known as the

best known

The National Archives' reference DEFE 24/2042/1

Rendlesham File (a reference to Rendlesham Forest, the area where the lights were seen).

History of requests for the Rendlesham File

In April of last year, Section 40, a private researcher, sought access to the information held by MOD on the alleged incident. After reviewing the Rendlesham file against the Code of Practice exemptions, DAS concluded that there was no basis for withholding the majority of the contents. Accordingly, Section 40 was provided with all but five documents. He was notified that two of these had been withheld under Exemption 1 (relating to national security) and three under Exemption 2 (relating to internal advice). A number of subsequent requests for information on Rendleshan were handled in exactly the same way.

Section 40 and another correspondent Section 40 later submitted appeals for the five documents that had been withheld. After review, in October 2001 D Info(Exp) decided that the use of Exemption 1 was not sustainable and that the two documents concerned should therefore be released. However, he upheld the use of Exemption 2. With the intention of being as forthcoming as possible, the letters which communicated this decision to Section 40 and Section 40 gave them more information on the nature of the documents withheld. The outcome of the appeals was reported in the January 2002 edition of UFO Magazine (Enclosure 1). Although Section 40 expressed dissatisfaction Section 40 appeared to accept the decision and to be happy with the information provided.

On 11th November 2001 Section 40 wrote to the Department (Enclosure 2). His letter raised a number of matters but included a request for "any information regarding the events of December 1980 in and around Woodbridge." He was duly provided with a copy of the Rendlesham file and notified (Enclosure 3) that three documents had been withheld under Exemption 2 of the Code. No information on the nature of the documents was given to Section 40 but, in accordance with standard policy, he was told of his right to appeal the decision to withhold them. He did so in a letter dated 27 November (Enclosure 4). In parallel Section 40 referred his case to Mike Hall (his local MP), who in turn urged the Secretary of State to reconsider the decision (Enclosure 5).

D Info(Exp) replied to Section 40 on 17 January 2002 (Enclosure 6). He explained that after reviewing the documents again, he remained satisfied that they constituted advice from officials to Ministers, and that it was therefore appropriate to withhold them under Exemption 2 of the Code. He also noted that the Code does not give an entitlement to specific documents, and that in this case some 174 pages of documents relating to the events in and around Woodbridge had been provided in response to Section 40 Section 40 request. US of S sent a substantive response to Mr Hall in similar terms (Enclosure 7).

The Code sets a target of twenty working days in which to respond to requests for information and carry out internal reviews. We easily met this target in providing the initial information to Section 40 The intervention of the Christmas period meant that it was not possible to conclude the internal review as swiftly, and Section 40 was sent

The National Archives' reference DEFE 24/2042/1

a response to notify him that his appeal was being considered. The internal review was concluded in approximately thirty working days.

Exemption 2 of the Code

Exemption 2 protects,

> *"Information whose disclose would harm the frankness and candour of internal discussion, including:*
>
> *...internal opinion, advice, recommendation, consultation and deliberation;*
>
> *projections and assumptions relating to internal policy analysis; analysis of alternative policy options and information relating to rejected policy options."*

However, it is not sufficient merely to determine that information falls within the scope of Exemption 2. Even if this is the case ....

> *"the presumption remains that information should be disclosed unless the harm likely to arise from disclosure would outweigh the public interest in making the information available"*

In previous rulings on the use of Exemption 2 the Ombudsman has viewed this 'harm principle' as particularly important. For example, when the FCO withheld information relating to the Ilisu High Dam, he ruled that the public interest served by disclosure outweighed the general principle that the internal decision making process should remain confidential. In that particular case the Ombudsman ordered that a summary of the information (although not the documents themselves) be released.

Documents withheld from Section 40

In replying to Section 40 appeal (Enclosure 6), D InfoExp described the three documents in the following terms:

(a) An internal minute from a MOD official to a Minister's Office, submitting a draft response and an accompanying background note in respect of a PQ (No 7607C) tabled by Sir Patrick Wall MP.

(b) A duplicate copy of the first page of (a).

(c) An internal Minute from a MOD official to a Minister's office, submitting a draft response and accompanying background material in respect of a letter to the then Secretary of State for Defence, the Rt Hon Michael Heseltine MP, from David Alton MP, who had forwarded a letter from one of his constituents.

In practice item (a) consists of three separate documents (the covering minute; draft reply; and background note), and item (c) has four parts (a minute/background note; draft reply

The National Archives' reference DEFE 24/2042/1

to Mr Alton; Mr Alton's letter; and the letter from his constituent). However, it has become apparent that not all of this information has been withheld.

As background for preparation of this submission DAS were asked to provide a copy of all the papers passed to Section 40 The pack supplied is at Enclosure 8. On examination this was found to contain two of the documents included with item (c) (specifically, the letter from Mr Alton and draft Ministerial reply to that letter), albeit that both documents had been sanitised to remove the name and address of the constituent. To complicate matters further it has now been found that item (b) is not a duplicate of the first page of item (a), but the covering minute to a different but linked PQ (No 7608C) for which the same background note was used. It now appears that DAS had intended to withhold the draft answers and background notes to both PQs but that, inadvertently, they withheld only the covering minute to PQ 7608C.

In summary, the position is that:

i. two of the documents which were reviewed as part of the internal review in January and which are now the subject of the appeal to the Ombudsman have actually been disclosed (Flags A and B in Enclosure 8);

ii. another document involved in the Rendlesham pack (background note to PQ 7608C (Flag C)) is identical to one of the documents withheld;

iii. it had been the intention to withhold item (ii) and the draft PQ reply (Flag D) with which it is associated but, inadvertently, both are included in the Rendlesham pack.

Although I hesitate to add another layer of complexity, I must also point out that this is the best assessment of the situation pertaining to Section 40 The complication is that the Rendlesham pack has been reproduced at various times over the last year and it has not been the practice to retain a file copy of the documents released to each applicant (there have been 12 so far). Nonetheless, as Section 40 is one of the most recent applicants we can be reasonably sure that Enclosure 8 is the version he would have received.

Discussion of Options

In considering how to comment to the Ombudsman, it is necessary to reach an internal decision regarding continued disclosure of the documents that have mistakenly been released ((i) to (iii) above). Looking first at (ii) and (iii):

If it were decided that we should continue to release these documents, it would become very difficult to maintain that the information associated with PQ 7607C should be withheld. The intention to withhold the draft replies and background notes was not based on the fact that they contain substantive information about Rendlesham, but to protect the precedent that advice to Ministers is not released (vide the recognition in Exemption 2 that this expectation of confidentiality allows candour). If we *knowingly* continue to release the background note to PQ 7608C then this principle must be undermined. Although the background notes contain little substantive advice, it is worth noting that they do mention in the final paragraph a decision by US of S(AF) to publish quarterly compilations of UFO reports received by the MOD. ~~Minister (AF) later decided against~~

The National Archives' reference DEFE 24/2042/1

~~this and no such compilations were ever produced~~. The volte face has not been questioned by any of the Rendlesham correspondents, but it is evidence of a change in policy that would have merited the use of Exemption 2.

Turning next to the letters from external correspondents (an MP and his constituent), these would not justify the use of Exemption 2 when decoupled from the associated advice to Ministers. The issue of how to address correspondence from MPs is complicated, but an abstract of such letters has been released in the past. The letter from Mr Noyes to Mr Alton might have been withheld under Exemption 14 (as information provided in confidence) but the Ombudsman is very unlikely to be sympathetic to any proposal on these lines.

A number of different lines could be taken in commenting to the Ombudsman. All of the options presented, however, are based on the premise that it will need to be open about the administrative errors that have now come to light. The Ombudsman must be expected to comment adversely on the break-down of internal processes, but acknowledgement of the mistakes and acceptance of the need to learn the relevant lessons may take the sting out of this.

Option A would say that as some of these items have been inadvertently released into the public domain, the remainder should also be released. This would undoubtedly please Section 40 Section 40 and other applicants. The disadvantage is that it would weaken the precedent that internal advice is not disclosed, and it would be particularly difficult to use Exemption 2 in response to any other requests by the UFO community. Indeed, it may prompt appeals to the Ombudsman about previous refusals.

Option B would be to continue to disclose the items that were inadvertently released, but to continue to withhold the others that have not. This would rely on the argument that items that constitute internal advice were released by mistake, and that although the error will not now be reversed it does not justify a decision to knowingly release other internal advice. The difficulty here is that one of the items that we would continue to withhold (the background note to PQ 7608C) is identical to an item that would continue to be released.

Option C would be to argue that withholding the remaining items is justified because they contain no new information. This argument is based on the premise that Section 40 asked for 'information regarding the events of December 1980 in and around Rendlesham' and that the Code is not a right of access to documents, merely to information. A strong case can be made that in providing over 170 documents to Section 40 we have answered his request, and it is certainly true that the remaining documents contain no new substantive information. However, given that this was not the stated basis for rejecting Section 40 appeal, this argument is not without flaws.

Option D would be to accept that some information has been inadvertently released to some applicants, but to explain that we would not perpetuate the error. In practice, to explain to the Ombudsman that we propose to revert to the original intention about what information should be withheld. Although this might lead to some future criticism from the Ombudsman and the UFO community, it would have the advantage of being

The National Archives' reference DEFE 24/2042/1

consistent with the reasons the document were originally withheld, and with the decision of the internal review (Enclosure 6). The argument would be that not only do the documents contain no new substantive information but these particular items constitute internal advice and are therefore subject to Exemption 2 of the Code. The harm in releasing the documents would be that it would endanger the candour of internal advice as it would remove the presumption of confidentiality. Furthermore the fact that the documents contain no new information could be deployed to demonstrate that there is no public interest in releasing them.

Option E is a variant of D. This would follow the line set out above, but would release the cover sheets to the two PQ submissions and the two letters from external correspondents, as in isolation these do not constitute internal advice.

The advantage of Option E is that it retains the principles on which MOD originally evaluated the documents contained within the Rendlesham File, and under which the internal reviews were subsequently carried out. The fact that some of the information was mistakenly disclosed does not alter the principle that it was appropriate to withhold it. The withheld documents must be placed in the light of the disclosure of over 170 documents. This demonstrates how seriously the Department takes its responsibilities under the Code, and that the first instinct was to disclose, not to withhold information. The fact that all substantive information has already been released to Section 40 should also demonstrate that there is little public interest against which to balance the harm that would be caused in undermining Exemption 2. It should also be acknowledged that the Ombudsman is likely to see the withheld documents as ten items, rather than three, and that some of these items do not fall under Exemption 2. The only question between Options D and E is whether the Department wishes to acknowledge this now, or to wait for the Ombudsman to ask us to do so.

Section 40

Info-Access2

Section 40

The National Archives' reference DEFE 24/2042/1

13/3

The following papers were withheld under Exemption 2 of the Code of Practice on Access to Government Information as they contain advice to Ministers.

A. Minute from Min(AF)'s office requesting a draft reply and background note in answer to PQ7607C. Marked as enclosure 88

B. Draft answer to PQ7067C to Sir Patrick Wall MP. Marked as enclosure 87.

C. Background note to above mentioned PQ. Marked as enclosure 86.

D. Minute from Min(AF)'s office requesting a draft reply and background note in answer to 7607C. Marked as enclosure 83.

E. Background note to PQs 7067C and 7608C. Marked as enclosure 81.

F. Draft answer to PQ7608C. Marked as enclosure 82.

G. Minute from Sec(AS)2a Section 40 to APS/UsofS(AF) dated 12 June 1985 covering correspondence from Mr Alton MP.

H. Draft reply from US of S (AF) to Mr Alton MP dated June 1985.

I. Letter from Mr Alton MP to The Rt Hon Michael Heseltine MP dated 16 May 1985 concerning his constituent Mr Noyes.

J. Letter from Mr Noyes to Mr Alton MP dated 14 May 1985.

Having examined the papers that have been sent to members of the public in view of the Ombudsman case concerning Section 40 the following discrepancies have been discovered.

1. While those documents mentioned at A to D above have been withheld from members of the public (including Section 40 there was an identical background note to the one mentioned at C above and another PQ answer further on in the file. These are flagged at E and F. Having examined the original file it appears that these were originally attached to D and marked as enclosure 82 and 81. During the process of examining the file prior to release, a copy of the file was taken and the copy papers were sanitised. It now seems that E and F became detached from D and were released along with the other papers on the file.

2. Papers marked G, H, I and J were withheld as they are a complete set of papers providing advice to a Minister and draft answer to an MPs letter from a member of the public. It appears that when the file was photocopied, copies of H and I became detached from the set and were copied into the bundle to be released. The copies that were released had been sanitised earlier when they were first reviewed. G and J have not been released.

The National Archives' reference DEFE 24/2042/1

Reference PQ 7607C

M1

PRIORITY

This non-oral question has been allocated to Minister(AF) for answer.

2. Would you please supply a draft reply and background note, together with any relevant Hansard extracts and Press cuttings, to reach this office at the time shown on the front cover.

3. Please submit a copy of the draft answer to PS/USofS(AF) when returning this, allowing sufficient time for USofS(AF) to comment.

Section 40

Office of Minister(AF)
Room 6386 Main Building
Extension Section 40
21-10-83

M2

APS/Minister(AF) (thro' DUS(Air))

Copy to:
APS/US of S(AF)
Ops(GE)2(RAF)

1. I have placed opposite a draft reply to PQ 7607C.

2. The same background note has been provided for PQ 7608C and PQ 7609C.

Section 40

21 October 1983

Section 40
Head of DS 8
Section 40

CODE 18-77

The National Archives' reference DEFE 24/2042/1

PQ 7067C

E87

SIR PATRICK WALL (CONSERVATIVE) (BEVERLEY)

Sir Patrick Wall - To ask the Secretary of State for Defence, if he has seen the United States Air Force memo dated 13 January 1981 concerning unexplained lights near RAF Woodbridge.

SUGGESTED ANSWER (Mr Stanley)

Yes.

The National Archives' reference DEFE 24/2042/1

Background Note

These three questions follow from the News of the World article of 2 October 1983 (Annex A) describing an alleged UFO sighting by USAF personnel at RAF Woodbridge in Suffolk on 27 December 1980.

The report of 13 January 1981 (Annex B) examined by the Air Staff and DS 8. It was concluded that there was nothing of defence interest in the alleged sighting.

There was, of course, no question of any contact with "alien beings" nor was any unidentified object seen on any radar recordings, as alleged in the News of the World.

A BBC investigation into the incident following publication of the News or the World Article concluded that a possible explanation for the lights seen by the USAF personnel was the pulsating light of the Orfordness lighthouse some 6 - 7 miles away.

The sole interest of the MOD in UFO reports is to establish whether they reveal anything of defence interest (eg intruding aircraft). MOD investigations are not pursued beyond the point at which we are satisfied that a report has no defence implications. No attempts are made to identify and catalogue the likely explanation for individual reports.

Last year, Lord Long, during a debate initiated by the Earl Clancarty, said that he would look into the possibility of publishing such reports as are received by the Ministry of

The National Archives' reference DEFE 24/2042/1

Defence. US of S(AF) has now decided to release compilations of reports. They will be published on a quarterly basis and will be available to members of the public, at a small charge to cover costs. US of S(AF) had planned to make an announcement shortly in the House of Lords through an arranged PQ. Pending arrangements for an announcement in the Lords, US of S(AF) has agreed that we should indicate the decision in the Commons.

M1

E83

PRIORITY

This non-oral question has been allocated to Minister(AF) for answer.

2. Would you please supply a draft reply and background note, together with any relevant Hansard extracts and Press cuttings, to reach this office at the time shown on the front cover.

3. Please submit a copy of the draft answer to PS/USofS(AF) when returning this, allowing sufficient time for USofS(AF) to comment.

Section 40

Office of Minister(AF)
Room 6386 Main Building
Extension Section 40

21.10.83

M2

APS/Minister(AF) (thro' DUS(Air))

Copy to:
APS/US of S(AF)
Ops(GE)2(RAF)

1. I have placed opposite a draft reply to PQ 7608C.

2. The same background note has been provided for PQ 7607C and PQ 7609C.

Section 40

21 October 1983

Section 40
Head of DS 8
Section 40

CODE 18-77

Background Note

These three questions follow from the News of the World article of 2 October 1983 (Annex A) describing an alleged UFO sighting by USAF personnel at RAF Woodbridge in Suffolk on 27 December 1980.

The report of 13 January 1981 (Annex B) examined by the Air Staff and DS 8. It was concluded that there was nothing of defence interest in the alleged sighting.

There was, of course, no question of any contact with "alien beings" nor was any unidentified object seen on any radar recordings, as alleged in the News of the World.

A BBC investigation into the incident following publication of the News or the World Article concluded that a possible explanation for the lights seen by the USAF personnel was the pulsating light of the Orfordness lighthouse some 6 - 7 miles away.

The sole interest of the MOD in UFO reports is to establish whether they reveal anything of defence interest (eg intruding aircraft). MOD investigations are not pursued beyond the point at which we are satisfied that a report has no defence implications. No attempts are made to identify and catalogue the likely explanation for individual reports.

Last year, Lord Long, during a debate initiated by the Earl Clancarty, said that he would look into the possibility of publishing such reports as are received by the Ministry of

Defence. US of S(AF) has now decided to release compilations of reports. They will be published on a quarterly basis and will be available to members of the public, at a small charge to cover costs. US of S(AF) had planned to make an announcement shortly in the House of Lords through an arranged PQ. Pending arrangements for an announcement in the Lords, US of S(AF) has agreed that we should indicate the decision in the Commons.

The National Archives' reference DEFE 24/2042/1

PQ 7608C

SIR PATRICK WALL (CONSERVATIVE) (BEVERLEY)

Sir Patrick Wall - To ask the Secretary of State for Defence whether, in view of the fact that the United States' Air Force memo of 13 January 1981 on the incident at RAF Woodbridge has been released under the Freedom of Information Act, he will now release reports and documents concerning similar unexplained incidents in the United Kingdom.

SUGGESTED ANSWER (Mr Stanley)

This has been considered. It is the intention to publish reports.

The National Archives' reference DEFE 24/2042/1

Reference.....

12/4 copy to: 12/2/11

M5

APS/US of S(AF)
through Sec(AS)2 [redacted]

1. US of S(AF) will recall recent correspondence on this matter with Lord Hill-Norton and Rt Hon Merlyn Rees MP. In both cases he took the line that we have nothing to add to what had already been said on the Woodbridge incident. Indeed, this was the line taken in previous correspondence with David Alton (See M3). The enclosed draft reply to Mr Alton once more follows this approach.

2. Mr Alton specifically requested a copy of the MOD official reply to Mr Noyes' last letter. This is enclosed, together with an earlier letter to which it refers. There is no objection to passing this correspondence to Mr Alton.

3. You may wish to note that Mr Alton has apparently passed on both letters sent by Lord Trefgarne on 19 March 85, even though one of these was intended to be for his information only.

[redacted]

12 June 1985

Sec(AS)2a
MB 8245 [redacted]

The National Archives' reference DEFE 24/2042/1

DRAFT

D/US of S(AF)/DGT 5173

June 1985

Thank you for your letter of 16 May to Michael Heseltine enclosing one from Mr R Noyes. You asked to see a copy of the Department's reply to Mr Noyes' letter of 25 February 1985 and this is enclosed, together with earlier correspondence to which it refers.

As I pointed out in my letter of 19 March, the MOD concerns itself only with the defence implications of reported UFO sightings. In this context, the report submitted by Col Halt in January 1981 was examined by those in the Department responsible for such matters and, as I have made clear in the past, it was considered to have no defence significance. We have since seen nothing to alter this view and there is nothing I can usefully add to the comments made in Sec(AS)'s letter or Mr Noyes.

Lord Trefgarne

David Alton Esq MP

Job No 2-24

The National Archives' reference DEFE 24/2042/1

US(AF)

HOUSE OF COMMONS
LONDON SW1A 0AA

16th May 1985

Dear Michael,

I enclose a letter I have received from Mr R Noyes following on from enquiries I first raised with your Department in March.

I read Mr Noyes letter with great interest and it seems to me that the points he raises are quite reasonable and merit a reply. I should be most grateful if you could let me have your comments and if you could let me see a copy of the reply to Mr Noyes' own letter to your Department dated 25th February 1985.

Yours sincerely,

Section 40

David Alton, MP.

The Rt. Hon. Michael Heseltine, MP.
Secretary of State
Ministry of Defence
Main Building
Whitehall
London SW1 2HB

The National Archives' reference DEFE 24/2042/1

Section 40
London Section 40
Section 40

14th May, 1985

David Alton, Esq., MP,
House of Commons,
Westminster,
London SW1

Dear Mr. Alton,

Section 40 has kept me informed about her correspondence with you on the unusual incidents which were reported to the Ministry of Defence by USAF authorities at RAF Woodbridge in January 1981. I have also seen Lord Trefgarne's letters to you of 19th March.

Section 40 decided to write further to you about this puzzling and disquieting case, and she referred to me her enclosed letter of 31st March, which is addressed to you, in the hope that I might be able to add useful comments. Much to my regret I have had to spend much time out of London on other business in recent weeks and it is only now that I am able, very belatedly, to send on Section 40 letter to you.

My own background, in brief, is that I served in the Ministry of Defence from 1949 to 1977, leaving in the grade of Under Secretary of State. From 1969 to late in 1972 I headed a Division in the central staffs of the MOD which had responsibilities for supporting RAF operations. This brought me into touch with a proportion of the many reports which the Department receives about unidentified traces in British airspace.

I believe that Section 40 is right to remain very dissatisfied with the official line which the MOD has adopted on the Rendlesham Forest incidents of December 1980. I have myself said so on a number of public occasions, and I have pursued the matter in correspondence with the MOD - wholly without success.

At the risk of burdening you with an excessive amount of paper, I attach the most recent of my letters to the Ministry of Defence. You will see that this is dated 25th February 1985. I have so far received no answer, despite reminders. On a previous occasion it took the Department three and a half months to send me a wholly perfunctory reply.

Section 40 claims much collateral evidence for her own views; on this I am not competent to comment. My own position is, quite simply, that an extraordinary report was made to the Ministry of Defence by the Deputy Base Commander at RAF Woodbridge early in 1981; that the very existence of this report was denied by the MOD until persistent researchers in the US secured its release under the American Freedom of Information Act in 1983; and that the MOD's responses to questions since that time have been thoroughly unsatisfactory.

I cannot accept Lord Trefgarne's view that there is no Defence interest in this case. Unless Lt.Col. Halt was out of his mind, there is clear evidence in his report that British airspace and territory were intruded upon by an unidentified vehicle on two occasions in late December 1980 and that no authority was able to prevent this. If, on the other hand, Halt's report cannot be believed, there is equally clear evidence of a serious misjudgement of events by USAF personnel at an important base in British territory. Either way, the

The National Archives' reference DEFE 24/2042/1

case can hardly be without Defence significance.

The dates in question are now rather remote, but I doubt that this should be taken to excuse the very perfunctory manner in which Lord Trefgarne has dealt with your letter. I hope that you may feel able to pursue the matter further, either in correspondence or in a PQ. The essence of the questions to be pressed seems to me to lie in my preceding paragraph. Seen in these terms, Section 40 article in the GUARDIAN (which Lord Trefgarne rather surprisingly falls back upon) is wholly irrelevant. If the USAF really are capable of hallucinations induced by a lighthouse which must surely be very familiar to them, then I shudder for that powerful finger which lies upon so many triggers...

My own letter to the MOD (enclosed) raises other more detailed questions. But I do not suggest that you should necessarily concern yourself with them, anyway at this stage. It would be nice if the MOD would answer letters, of course ! But the essence of the Defence interest which I suggest a responsible Member of Parliament might reasonably raise lies in the argument I have tried to present above.

If I can be of any assistance in discussion with you, I am at your disposal.

Yours sincerely,

Section 40

(Ralph Noyes)

13/2

LOOSE MINUTE

DG Info 3/1/3/1

28 March 2002

AD/ DAS LA - Section 40

Copy to:
D Info Exp
DAS LA Ops+Pol 1
Info Exp – Access 2

OMBUDSMAN INVESTIGATION - Section 40

1. With the support and sponsorship of Mike Hall MP, Section 40 has appealed to the Ombudsman about the decision to withhold some documents under Exemption 2 of the Code. The correspondence has been faxed to you separately. PUS is required to submit MOD comments on the case by 10 April and, in turn, we are required to provide him with advice by 8 April. The preparatory work indicates that there is now some confusion over which documents from the Rendlesham File have actually been withheld from Section 40 Section 40 My understanding of the facts is as follows:

1) In a letter dated 19 November 2001 DAS responded to a request from Section 40 for 'information regarding the events of December 1980 in and around Woodbridge, Suffolk', and duly provided the file less 'three documents... withheld under Exemption 2 of the Code'.

2) In a letter dated 17 January 2002, D Info(Exp) upheld this decision and notified Section 40 that the documents withheld were - ;

a) an internal Minute from a MOD official to a Minister's office, submitting a draft response and an accompanying background note in respect of a Parliamentary Question (PQ) tabled by Sir Patrick Wall MP. (The PQ was answered on 24 October 1983, see Hansard 47 col. 62W);

b) a duplicate copy of the first page of a) above;

c) an internal Minute from a MOD official to a Minister's office, submitting a draft response and accompanying background material in respect of a letter to the then Secretary of State for Defence, the Rt Hon Michael Heseltine MP, from David Alton MP, who had forwarded a letter from one of his constituents.

This repeated almost exactly the wording used to describe the documents when responding to appeals from Section 40 and Section 40 Section 40 in October 2002.

3) These 'three' documents actually consisted of at least eight constituent parts. Document a) consisted of -

   i) A cover page to a draft PQ (from Sir Patrick Wall, ref PQ 7607C – but also referred to as 7067C);

   ii) The draft PQ answer;

   iii) The background note to the draft PQ answer.

   Document b) (number iv) for the purpose of this list) This has previously been described as merely a duplicate of i) above. Closer examination, however, reveals that this is a cover page for a draft PQ answer and background note to PQ 7608C, and

   Document c) consisted of -

   v) A letter from David Alton MP to Secretary of State;

   vi) A letter from Ralph Noyes enclosed with Mr Alton's letter;

   vii) A draft letter from USofS to Mr Alton in response to (v);

   viii) A background note to the draft letter to Mr Alton. Covering Minute

4) It now appears that due to an administrative error whilst preparing the Rendlesham file for release, items v) and vii) above have actually been released to some members of the public. Although it can't be definitively confirmed, the likelihood is that this includes the pack released to Section 40

5) In addition, although item iii) has been withheld in the context of PQ 7607C, it appears that the same Background Note was used for PQ 7608C and that this has been released (indeed item i) says that the background note had also been used for several PQs).

6) Furthermore, the draft answer PQ 7608C and accompanying background note appear to have been released (they are included in the Rendlesham pack provided to us a couple of days ago). These are the draft answer and background note that correspond to the cover item iv). It therefore seems possible that the original intention was to withhold them, as part of Item b. This would be consistent with the approach taken for Item a. The subsequent release of the draft PQ and background note would then be an administrative error. The question is, at what stage did this error occur? The three documents withheld were not described until they were copied to us for consideration in the context of Section 40 appeal in October 2001. It is therefore possible that the mistake occurred after the initial release of the file. However, unless your staff can definitively confirm otherwise, I

think we must assume that it occurred before the file was released to Section 40

2. We are left with a situation which is complex and difficult to defend. In responding to the Ombudsman we are required to provide a copy of all relevant papers, and this will have to include the information provided to Section 40 Section 40 as well as that withheld. It will be necessary to say that we can't be 100% sure of what the first element comprised (which must in itself sound weak), but from the pack provided to us – which we must assume that this has been provided to at least some within the UFO interest group – it will readily be apparent that some of the 'withheld' information is included. At present I am not quite sure how to present this to PUS and I think we ought to jointly consider the options. Obviously time is of the essence. Could we therefore meet next Tuesday (early afternoon would be best for me)? I will be involved in a meeting most of this morning so perhaps you could send an e-mail to let me know your availability.

Section 40

AD/ Info Exp - Access

Section 40

27/03/2002 04:09

=== COVER PAGE ===

13/1

TO: _____

FROM: DINFOEXP

FAX: Section 40 [redacted]

TEL:

COMMENT:

The National Archives' reference DEFE 24/2042/1

Ministry of Defence
Facsimile Transmission Cover Sheet

Transmission Details		Document Details
From: Section 40 Info(Exp)-Access2 Room 819 St Giles Court 1-13 St Giles High Street London WC2H 8LD	Fax Number: Section 40 Tel Number: Section 40	Reference: DG Info 3/1/3/1 Date: 27 March 2002
To Section 40 DAS LA Ops+Pol	Fax Number: Section 40	Subject: Ombudsman Investigation
Total number of pages (including this cover sheet)	6	

Section 40

Thought you might be interested in seeing the letter from the Ombudsman that is driving our current efforts!

Regards

Section 40

Section 40

28/7

Section 40 25/3/02

Grateful advice & draft reply by

Section 40

ADS/PUS

THE PARLIAMENTARY
OMBUDSMAN

OFFICE OF THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION
MILLBANK TOWER, MILLBANK, LONDON SW1P 4QP.
SWITCHBOARD 020 7217 3000, FAX Section 40 DIRECT LINE Section 40

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

MINISTRY OF DEFENCE
PUS
71475
22 MAR 2002
WHITEHALL
LONDON

1. CC: DInfo(Exp)
AD/Access
Grateful if AD/Access could prepare advice for PUS and a draft reply, 21 March 2002 which I will need to clear before submission.

2. BF 8 April 2002.

Our Ref: A.29/02

Dear Sir Kevin

Section 40 Section 40

The Parliamentary Ombudsman has been asked by Mike Hall 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 by 10 April 2002. 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, including the information sought by the complainant, could be sent to Section 40 Millbank Tower, Millbank, London SW1P 4QP) by the above date.

Section 40

Investigation Manager

Enc : 1

Section 40

INVESTOR IN PEOPLE

The National Archives' reference DEFE 24/2042/1

Parliamentary Commissioner Act 1967

Statement of Complaint: Case No: A.29/02

Complainant: Section 40

1. Section 40 complains that the Ministry of Defence (MOD) have refused him access to information to which he believes he is entitled under the Code of Practice on Access to Government Information (the Code).

2. The following account is given:

(i) On 1 November 2001 Section 40 wrote to MOD asking if they could provide him, inter alia, with any information regarding events taking place in December 1980 in and around Woodbridge, Suffolk. This request specifically related to a reported sighting of an unexplained aerial phenomenon by American servicemen in Rendlesham Forest during the nights of December 25 and 26.

(ii) On 19 November MOD wrote to Section 40 enclosing 174 pages of documentation held relating to the Rendlesham Forest incident. They explained that some of these documents had been anonymised in order to protect the privacy of those who had corresponded with them regarding this matter. MOD declined, however, to release three other documents, citing Exemption 2 of the Code in justification.

(iii) On 27 November Section 40 wrote to MOD requesting a review of their decision not to disclose the three remaining documents. On 17 January 2001 MOD wrote to Section 40 providing him with a broad explanation of the nature of the three documents in question, but declining to release the information contained within them; MOD again cited Exemption 2 of the Code.

3. Section 40 remains aggrieved that MOD have not provided him with all the information they hold regarding the Rendlesham Forest incident. He seeks full disclosure.

4. The following departmental references have been quoted:

D/DAS/64/3

DGInfo/3/1/3/1

The National Archives' reference DEFE 24/2042/1

21 March 2002

The National Archives' reference DEFE 24/2042/1

B

LOOSE MINUTE

DG Info 3/1/3/1

2nd January 2001/2

Ministerial Correspondence Unit

Copy to:

PS/USofS
DAS(LA) Ops+Pol1a

RESPONSE TO REQUEST RELATING TO ENQUIRY FROM MIKE HALL MP

1. I am writing with reference to **MC Ref Number US5454/2001** which was passed to us by DAS(LA) Ops+Pol. First, I apologise for the delay in responding: this unfortunately fell through the cracks during a change of personnel in this Directorate.

2. Mr Hall's letter relates to an appeal by his constituent Section 40 about the decision to withhold some documents under Exemption 2 of the Code of Practice On Access to Government Information. A formal review is underway, but full consideration and consultation is likely to take a couple more weeks. I therefore recommend that a holding reply should be sent to Mr Hall at PS level: a draft is attached.

3. I will aim to provide full advice and a substantive reply by the 18th January.

Section 40
Info(Exp)-Access AD
Section 40

The National Archives' reference DEFE 24/2042/1

21 March 2002

Ref:5454/2001

Mike Hall MP

House of Commons

London

SW1A 0AA

2nd January 2002

Your letter of 4th December 2001 to the Secretary of State(Your Ref: MH/LH/W) on behalf of your constituent, Section 40 [redacted] has been passed to Dr Moonie for reply. The Minister has asked me to let you have this interim advice.

At this stage I can confirm that three documents from a MOD file were withheld when Section 40 [redacted] requested information about the alleged sighting of an unidentified flying object near RAF Woodbridge in December 1980. I can also confirm that the documents were all withheld under Exemption 2 of the Code of Practice on Access to Government Information which relates to information whose disclosure would harm the frankness and candour of internal discussion.

The National Archives' reference DEFE 24/2042/1

Section 40 [redacted] appeal against the decision to hold back these papers is now subject to formal review. Dr Moonie will let you know the outcome as soon as the process has been completed.

MIKE HALL MP
WEAVER VALE

HOUSE OF COMMONS
LONDON SW1A 0AA

RECEIVED BY
PARLIAMENTARY BRANCH
ON: 5/12/01.
MINISTER REPLYING: VSofS.
KEYWORDS: UFO'S
LEAD BRANCH: DAS (LA) PIP
COPIED TO:
RELATED CASE: Similar case. 335900
CLERK Section 40

Our Ref: MH/LH/W

The Rt Hon Geoffrey Hoon MP
Secretary of State for Defence
Old War Office Building
Whitehall
London SW1A 2EU

04 December 2001

Dear Geoff,

Section 40

I have been contacted by Section 40 who wants the government to release three papers relating to events in and around Rendlesham Forest, Suffolk during the last half of December 1980.

The Ministry of Defence has already supplied Section 40 with 174 papers of previously unreleased documents but they have withheld three papers under exemption 2 on the grounds that they relate to "internal opinion advice, recommendation, consultation and deliberation."

Can you please look into this matter and confirm on what grounds these papers have been withheld from publication and please reconsider the decision.

I look forward to your reply in due course.

Yours sincerely,

Section 40

Mike Hall MP

SERVING THE CONSTITUENTS OF WEAVER VALE
Constituency Office: Section 40
Tel Section 40 E-mail: Section 40

DAS (LA) Ops & Pol 1a
Section 40

Fax

To: Info Exp Access 2 **From** Section 40

Fax: Section 40 **Date:** December 6, 2001

Phone: **Pages:** 6

Re: **CC:**

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

Please find Ministerial Correspondence relating to the Rendlesham Forest papers plus our original correspondence with Section 40 which I believe you spoke to Section 40 about this afternoon. I will let the Ministerial Correspondence Unit know that it has been passed to your branch for response.

MCU informed
6/12 14:30.

Regards

Section 40

********** -COMM. JOURNAL- ********** DATE 06-DEC-2001 ***** TIME 14:29 *** P.01

MODE = TRANSMISSION START=06-DEC 14:26 END=06-DEC 14:29

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	OK	☎	Section 40	006	00:02'14"

-DIRECTORATE AIR STAFF -

********** Section 40 - ***** - Section 40 **********

The National Archives' reference DEFE 24/2042/1

** TO BE GIVEN PRIORITY AT ALL TIMES **

MINISTERIAL CORRESPONDENCE

FOR IMMEDIATE ACTION

IMPORTANT - YOU MUST READ THIS GUIDANCE

TO: DAS (CLA) PSP. MC REF NUMBER: US 5454 /2001

Copy to:

MINISTER REPLYING: US DFS. DRAFT REQUIRED BY: 17 / 12 /2001

DATE: 6 /12/2001 FROM: Section 40 Ministerial Correspondence Unit

Room Section 40 TEL Section 40 FAX: Section 40

YOU WILL BE HELD ACCOUNTABLE FOR THE DRAFT ANSWER AND ADVICE, WHICH MUST BE ACCURATE AND NOT MISLEADING IN ANY WAY.

ENSURE THE DEADLINE IS MET: THE DEPARTMENT IS CURRENTLY COMMITTED TO ANSWERING 90% OF ITS MINISTERIAL CORRESPONDENCE WITHIN 15 WORKING DAYS. OUR PERFORMANCE IS REPORTED TO PARLIAMENT EACH YEAR.

A NAMED OFFICIAL AT PAY BAND B2 LEVEL OR ABOVE MUST CLEAR ALL DRAFTS. OTHER GOVERNMENT DEPARTMENTS OR MOD DIVISIONS SHOULD BE CONSULTED AS NECESSARY.

E-MAIL DRAFTS TO *'PARLIAMENTARY ENQUIRIES'*, NOT TO PE CLERKS OR PRIVATE OFFICES.

(Please ensure sensitivity of your email message is 'Normal'.)

IF THIS CORRESPONDENCE SHOULD BE DEALT WITH BY ANOTHER BRANCH, PLEASE PASS IT ON AND INFORM US IMMEDIATELY.

Number of pages sent by fax: 3.

** TO BE GIVEN PRIORITY AT ALL TIMES **

** TO BE GIVEN PRIORITY AT ALL TIMES **

INVESTOR IN PEOPLE

The National Archives' reference DEFE 24/2042/1

** TO BE GIVEN PRIORITY AT ALL TIMES **

- ***Ministers place great importance on the content, style and speed of replies. Letters should be polite, informal, to the point and in clear, simple language. Avoid acronyms and MOD jargon. Always emphasise the positive aspects of Government policy. No background note is required unless essential to explain the line taken in the draft reply.***

- ***If you are an agency, the Minister's office has directed that this letter should receive a Ministerial – not Chief Executive – reply.***

- ***Action at official level on the same case should be held until the Minister has sent a full reply. Please discuss any questions about the substance of the drafts, or other policy aspects, direct with the relevant Private Office.***

- **INTERIM REPLIES**: If it is obvious that you will be unable to reply in full within the deadline, an interim MUST be provided. **REMEMBER**: a substantive interim reply covering the majority of the issues raised – or answering as fully as possible at that particular point in time (eg. grievance or redress cases) – will help the Department's performance statistics. If you cannot meet the deadline, you should provide a reply that apologises for the delay, sets out the action being taken to answer the letter, and advises when a substantive reply can be expected. You should aim to provide a substantive draft reply within a further 8 working days. Interim replies should be used infrequently, as every effort must be made to reply substantively to Ministerial Correspondence on time.

- **LAYOUT:** Draft replies should be double-spaced. All should be in font size 12 and, with the exception of USofS, in Arial font (for USofS, use Courier). Always include the full reference number at the top left of the draft. Put the MP's full title at the bottom left of the first page.

- **MINISTER RESPONDING:** SofS will usually reply to Cabinet colleagues, Privy Councillors (the Rt Hon) and Opposition Defence spokesmen, unless they have written direct to a junior Minister. Correspondence from other MPs, MEPs and Peers will generally be handled by a junior Minister with the relevant policy responsibility.

- **OPENING AND CLOSING:** All Ministers prefer to start: *"Thank you for your letter of ...(MP's ref if given) on behalf of/enclosing one from your constituent, Mr ... of ... about ..."*
  If a Minister is replying on behalf of another, start: *"Thank you for your letter of ... to the Prime Minister/Geoff Hoon/Adam Ingram/Willy Bach/Lewis Moonie on behalf etc"*
  For Mr Ingram, add: *"I am replying in view of my responsibility for ..."*
  For Lord Bach, add: *"I am responding because of my responsibility for this issue." (or, in the case of letters from fellow Peers: "I have been asked to respond.")*
  For Dr Moonie, add: *"I am replying as this matter falls within my area of responsibility."*
  Choose an appropriate ending (except for Dr Moonie, who will add his own) - such as:
  "I hope this is helpful"; "I hope this explains the position/situation"; "I am sorry I cannot be more helpful"; or *"I am sorry to send what I know will be a disappointing reply"*.

- **OPEN GOVERNMENT**: Replies **MUST** be drafted in accordance with the *Code of Practice on Access to Government Information*. It is set out in **DCI 223/99.** If you are recommending to a Minister that some or all information is withheld, the answer must specify the law or exemption in the Code under which it is being withheld - eg "I am withholding the information requested under exemption 1 of Part II of the *Code of Practice on Access to Government Information*." It is **NOT** acceptable to rely on past practice. Further information is available from DG Info on Section 40

** TO BE GIVEN PRIORITY AT ALL TIMES **

** TO BE GIVEN PRIORITY AT ALL TIMES **

** TO BE GIVEN PRIORITY AT ALL TIMES **

INVESTOR IN PEOPLE

From: Section 40 Directorate of Air Staff (LA-Ops & Pol) 1a,
Room 6/73,
MINISTRY OF DEFENCE
Metropole Building, Northumberland Avenue, London, WC2N 5BP

Telephone (Direct dial) 0207 218 2140
(Fax) Section 40

12

Section 40

Your Reference

Our Reference
D/DAS/64/3

Date
19 November 2001

Dear Section 40

Thank you for your letter dated 1 November 2001 concerning events of December 1980 in and around Woodbridge, Suffolk.

I enclose for your information a number of papers on the Rendlesham Forest incident that have recently been released under the Code of Practice on Access of Government Information. Some have been sanitised to protect the privacy of those who have corresponded with the Ministry of Defence. Three documents have been withheld under Exemption 2 of the Code which relates to "internal opinion advice, recommendation, consultation and deliberation". As far as we are aware, these are the only papers we hold on these events.

If you are unhappy with the decision to withhold documentation and wish to appeal, you should write in the first instance to Ministry of Defence, D Info Exp, Room 819-B, St.Giles Court, 1-13 St.Giles High Street, London, WC2H 8LD, requesting that the decision be reviewed. If following the internal review you remain dissatisfied, you can ask a Member of Parliament to take up the case with the Parliamentary Commissioner for Administration (the Ombudsman) who can investigate on your behalf. The Ombudsman will not, however, consider an investigation until the internal review process has been completed.

With regard to your comments concerning Sizewell Nuclear power station and the movements of HMS Norfolk, you will see that these papers make no mention of either. It is now over 20 years since these events were reported and we cannot speculate on the possible causes. As to the movements of H.M.S. Norfolk at the time, I am afraid there is nothing I can add to the information already given to you by the Naval Historical branch.

Yours sincerely

Section 40

29/11/01

Section 40

01.11.01

Dear Section 40

I am writing to ask if you can offer me any information regarding the events of December 1980 in and around Woodbridge, Suffolk.

Particularly I am wondering if the Sizewell Nuclear Power Station, up the coast could have caused the visual displays allegedly reported by American Servicemen during the nights of December 25th and December 26th, although I do believe there were reports emanating from Suffolk as early as December 19th 1980.(of aerial phenomenon)

Secondly I am enquiring if you could tell me the movements of H.M.S. Norfolk, (then) a Guided Missile Destroyer which I believe was sold off to the Pakistan Navy some years ago. If I am correct, as I wrote to the Ministry of Defence and also the Naval Historical Department at Whithall, she was alongside Portsmouth Harbour (North Jetty) undergoing an A.M.P (Advanced Maintenance Period) and could not possibly have been off the Norfolk coast during the dates of these incidents over Woodbridge Suffolk. Could you possibly confirm this for me ?. I have a particular interest in Naval matters because Section 40 and visited colleagues Section 40 from time to time. In December 1980 I was at the Section 40

I am aware that you have been inundated with letters over this matter and understand if my reply is delayed.

Thanking you for your help in this matter.

Yours sincerely

Section 40

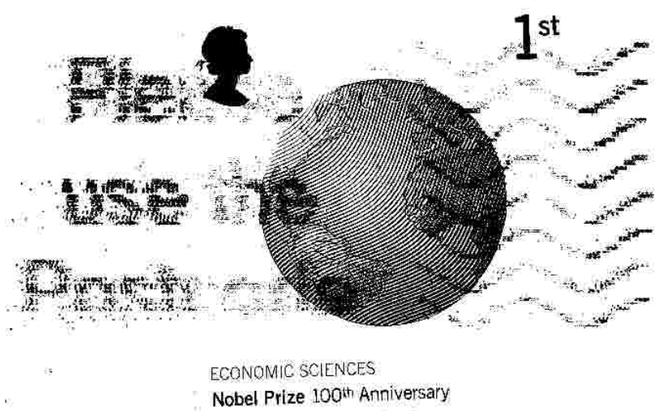
Section 40

DAS
102No. .....
- 2 NOV 2001
FILE _____

The National Archives' reference DEFE 24/2042/1

Secretariat (Air Staff) 2a
Room 8245
Ministry of Defence
Whitehall
London
SW1A 2HB

Royal Mail
Cheshire
Mail Centre
04 11 04



The National Archives' reference DEFE 24/2042/1

PARLIAMENTARY UNDER-SECRETARY OF STATE
FOR DEFENCE

MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB
Telephone Section 40 (Direct Dialling)
(Fax)
(020) 7218 9000 (Switchboard)

11

D/US of S/LM 3359/00/Y

14th September 2000

MINISTRY OF DEFENCE
SEC
18 SEP 2000
FILE

Dear Martin,

Thank you for your letter of 19 August on behalf of your constituent, Section 40 about an alleged sighting of an 'unidentified flying object' over Hartford on 9 July. I am replying as this matter falls within my area of responsibility.

It might be helpful if I explained that my Department examines any reports of 'unidentified flying objects' it receives solely to establish whether what was seen might have some defence significance, namely whether there is any evidence that United Kingdom airspace might have been compromised by hostile or unauthorised air activity. Unless there is evidence of a potential threat to the United Kingdom from such an external source, and to date no 'UFO' report provided to us has revealed such evidence, no attempt is made to identify the precise nature of each alleged sighting reported. We believe that rational explanations such as aircraft lights or natural phenomena could be found for them if resources were diverted for this purpose, but it is not the function of my Department to provide this kind of aerial identification service. It would be an inappropriate use of defence resources if we were to do so.

Section 40 contacted my Department by telephone on 10 July to say that he had witnessed a 'UFO'. A letter providing more details was received on 17 July. Enquiries were set in hand to investigate what had been reported. My officials acknowledged Section 40 letter on 31 July and advised that a full response might be delayed. Section 40 telephoned my officials on 3 August and was advised that an investigation was in progress and that the outcome would be reported to him as soon as enquiries were complete.

Martin Bell Esq MP

Private Office

INVESTOR IN PEOPLE

The National Archives' reference DEFE 24/2042/1

The investigation found no evidence in what [redacted] reported of any defence significance. A full reply was sent to him on 23 August and has crossed in the post with your letter. I enclose copies of the correspondence for your information.

Best wishes

[redacted]

DR LEWIS MOONIE MP

Recycled Paper

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

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

Section 40

Your Reference

Our Reference
D/Sec(AS)64/2
Date
23 August 2000

Dear Section 40

You will recall that I wrote to you on 31 July concerning the report of an 'unidentified flying object' seen on 9 July and the recording made from a portable 'air-band' radio. I am now in a position to reply in full.

Firstly, it may be helpful if I explain that the Ministry of Defence examines any reports of 'unidentified flying objects' it receives solely to establish whether what was seen might have some defence significance; namely, 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 source, and to date no 'UFO' report has revealed such evidence, we do not attempt to identify the precise nature of each sighting reported to us. We believe that rational explanations, such as aircraft lights or natural phenomena, could be found for them if resources were diverted for this purpose, but it is not the function of the MOD to provide this kind of aerial identification service. It would be an inappropriate use of defence resources if we were to do so.

I have consulted the MOD's Air Defence experts about the sighting you reported. Following extensive enquiries, including checks with BAe Woodford and BAe Warton, I can confirm that there were no military aircraft in the area concerned at the time. I am also advised that the terms 'Warrior' and 'Kwango' have no significance in the field of military aviation. No evidence has been found to substantiate a breach of the UK Air Defence Region.

Yours sincerely,

Section 40

Section 40

Copy on 64/4
with read acknowledgments

file

10

Loose Minute

D/Sec(AS)64/4

25 August 2000

Parliamentary Enquiries

REVERSE PE – MARTIN BELL MP

1. Martin Bell MP has written direct on behalf of a constituent, Section 40 about a substantive response to a letter about an alleged UFO sighting.

2. Section 40 left a message on the Sec(AS)2 'UFO' answerphone on the evening of Monday 10 July to say that he had witnessed a 'UFO' the previous evening. A letter providing more details (copy attached) was received by RAF Valley and Sec(AS)2 on 17 July. Section 40 claimed that he and a colleague had videoed a ' ufo' and obtained a recording of a pilot in a 'chasing' aircraft. RAF Valley acknowledged their copy of the letter on 18 July and advised that it had been passed to Sec(AS)2; we advised Section 40 Section 40 on 31 July that it was unlikely that we would be able to provide a substantive response within the 20-day Charter timescale because staff absences at the time meant that we were not able to deal with all correspondence as quickly as we would normally do so.

3. The MOD Press Office was contacted by BBC Radio 1 and the local media (the Knutsford Gazette) about the alleged incident the day after the letter was received. They advised that within the limits of MOD's interest in these matters, enquiries would be made about what had been reported. Section 40 was interviewed on Radio 1 about the incident the same day (18 July). He telephoned Sec(AS)2 on 3 August to ask how the enquiries were progressing and was advised that they were not, at that stage, complete.

4. A detailed investigation into the facts reported by Section 40 was carried out by MOD Air Defence Staffs and included checks with Military Air Traffic Staffs. No evidence was found to substantiate a threat to the UK Air Defence Region or that the 'craft' witnessed had military origins.

5. A full reply was sent to Section 40 on 23 August and crossed with Mr Bell's letter in the post.

Section 40

Section 40
DAS AD4(Sec)
Section 40
CHOTs Address SEC(AS)2

D/USofS/

Thank you for your letter of 19 August on behalf of you constituent, Section 40 Section 40 about an alleged sighting of an 'unidentified flying object' over Hartford on 9 July. I am replying as the Minister responsible for these matters.

It might be helpful if I explained that my Department examines any reports of 'unidentified flying objects' it receives solely to establish whether what was seen might have some defence significance, namely whether there is any evidence that United Kingdom airspace might have been compromised by hostile or unauthorised air activity. Unless there is evidence of a potential threat to the United Kingdom from such an external source, and to date no 'UFO' report provided to us has revealed such evidence, no attempt is made to identify the precise nature of each alleged sighting reported. We believe that rational explanations such as aircraft lights or natural phenomena could be found for them if resources were diverted for this purpose, but it is not the function of my Department to provide this kind of aerial identification service. It would be an inappropriate use of defence resources if we were to do so.

Section 40 contacted my Department by telephone on 10 July to say that he had witnessed a 'UFO'. A letter providing more details was received on 17 July. Enquiries were set in hand to investigate what had been reported. My officials acknowledged Section 40 letter on 31 July and advised that a full response might be delayed. Section 40 telephoned my officials on 3 August and was advised that an investigation was in progress and that the outcome would be reported to him as soon as enquiries were complete.

The National Archives' reference DEFE 24/2042/1

The investigation found no evidence in what Section 40 reported of any defence significance. A full reply was sent to him on 23 August and has crossed in the post with your letter. I enclose copies of the correspondence for your information.

DR LEWIS MOONIE

Martin Bell Esq MP

The National Archives' reference DEFE 24/2042/1

9

LOOSE MINUTE

D/DAO/1/13

8 Aug 00

MINISTRY OF DEFENCE
RECEIVED
-8 AUG 2000
FILE

Sec(AS)2a

`UFO' REPORT – 9 Jul 00

References:

A. D/Sec(AS)/64/2 dated 25 Jul 00.
B. D/DAO/1/13 dated 26 Jul 00.
C. STC(MATO)/207002/5/Air dated 4 Aug 00.

1. At Reference A, you asked whether the report of an unusually shaped craft over Cheshire on 9 Jul 00 represented anything of air defence interest.

2. Following an investigation by Military Air Traffic Services staff, at Reference C (attached), there is no evidence that this craft had military origins. Furthermore this activity had no air defence significance.

Section 40
Wg Cdr
ADGE 1
Section 40
CHOTS: ADGE1

Attachment: STC(MATO)/207002/5/Air dated 4 Aug 00. (Video by hand).

HEADQUARTERS STRIKE COMMAND
OPERATIONS SUPPORT
Hillingdon House, Uxbridge, Middlesex, UB10 0RU

Telephone: Section 40
Fax: Section 40
Military Network: Section 40
E-mail: flightguard@iclwebkit.co.uk
Please reply to: SO1 Ops (A)

Wg Cdr N Hutchinson
DAO ADGE 1
MOD Main Building
Whitehall
LONDON
SW1A 2HB

Reference: STC (MATO)/207002/5/Air

Date: 4 Aug 00

Moved to STC 15 Sqn, SO1 ATC (Area) Section 40 Rm 140 B Blo.

INVESTIGATION OF UNUSUAL AIR ACTIVITY – 9 JUL 00

Reference:

A. D/DAO/1/13 dated 26 Jul 00.

1. At Reference A, you requested assistance in determining whether there was any military significance to the supposed unusual air activity on 9 Jul 00. Based on the contents of Section 40 letter, we have conducted a thorough investigation into the flying activity at military airfields and civil aerodromes used by defence contractors in the local area.

2. As you may be aware, one of the duties of the Military Aeronautical Information Section (AIS (Mil)) at West Drayton is to provide tracing action in connection with aircraft involved with incident reports and the like. AIS (Mil) were tasked with making and reviewing a recording of the radar picture in the local area 15 minutes before, until 20 minutes after the reported time of the sighting. Based on the information derived from the radar at Manchester Airport, there is no evidence of any military fast-jet activity in the area and no aircraft are seen in level flight at 5000ft. The full synopsis of the radar replay and a video recording of events are included as Enclosure 1 and 2 for your perusal.

3. Being a Sunday, the flying activity at both RAF airfields and civil aerodromes used by defence contractors in the local area was negligible. SATCO RAF Shawbury, the nearest military airfield, reported no flying activity on the day in question, and a similar reply was received from the Airfield Manager at BAe Warton. There was light activity at BAe Woodford, but not at the time in question. Given that the airspace 5000ft above Wilmslow is controlled airspace delegated to a radar centre at Manchester Airport, it is highly unlikely that a military pilot would stray into such a busy environment without receiving the requisite mandatory clearance. Finally, a trawl of the Daily Occurrence Books at RAF Sealand and Stafford, the nearest RAF stations, and the Senior Military Supervisors log at LATCC (Mil) all proved negative. The terms 'Warrior' and 'Kwango' failed to stimulate any interest and would appear to have no significance in the field of military aviation.

4. Your initial correspondence stated that the aim of the investigation was to eliminate defence interest in this incident. I trust that you find that our examination of events and subsequent

conclusions satisfy this criterion. I will be happy to clarify details further if required.

Section 40 [redacted]

Wg Cdr
for DCOS Ops

Enclosures:

1. Synopsis of Radar Replay.
2. Video Recording of the Manchester Radar 091230-1305Z Jul 00.

SYNOPSIS OF REQUESTED RADAR REPLAY

Aeronautical Information Services
London Air Traffic Control Centre (Military)
Porters Way, West Drayton,
Middlesex
UB7 9AU

RAFTN: Section 40 [redacted]
Fax
Fax

Air Officer Commanding
Attn: Ops(A)3 - Lt Cdr Section 40 [redacted]
HQSTC A3 Ops Support (ATC)
Hillingdon House
RAF Uxbridge
Middlesex
UB10 0RU

Fax Section 40 [redacted]
Tel

Your Reference - See Airprox No Vidpics not requested. Video Tape No(s) 387

Incident *250/00* DTG *091245ZJul00* - *Sunday*

Position *Wilmslow, Cheshire*

Reporting ac Type - Callsign - SSR Code Mode C? ***No***

Reported ac Type - ***'Unusual Shaped Craft'*** Callsign - SSR Code
Mode C? ***No***

Radar Heads ***Clee Hill*** ***Not Used*** ***Not Used***

Recording starts ***091230ZJul00*** Recording ends - ***091305ZJul00***

Orientation ***Manchester*** Code ***MAN*** ***223°M/3.5nm with 1nm scale line.***

Synopsis of Events Based on Radar Replay: *Clee HillRadar with 1nm scale line. No Vidpics*

The video recording covers the period 15 minutes before, until 20 minutes after the reported time of the sighting. During the recording only routine domestic air activity is seen and no primary radar returns are observed. There is no evidence of any military fast-jet aircraft in the area and no aircraft are seen in level flight at 5000ft.

Comments by AISO:

Radar performance in the incident area appears to be very good and a non-squawking aircraft at 5000ft would normally be clearly visible on the radar as a primary return.

As nothing at all unusual was seen on the recording, I have not produced any videopictures of the 'incident'. I enclose the videocassette for your attention.

Section 40 [redacted]

2-Aug-00

Flight Sergeant
Duty AISO

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

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

8

Section 40

Your Reference

Our Reference
D/Sec(AS)64/2
Date
23 August 2000

Dear Section 40

You will recall that I wrote to you on 31 July concerning the report of an 'unidentified flying object' seen on 9 July and the recording made from a portable 'air-band' radio. I am now in a position to reply in full.

Firstly, it may be helpful if I explain that the Ministry of Defence examines any reports of 'unidentified flying objects' it receives solely to establish whether what was seen might have some defence significance; namely, 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 source, and to date no 'UFO' report has revealed such evidence, we do not attempt to identify the precise nature of each sighting reported to us. We believe that rational explanations, such as aircraft lights or natural phenomena, could be found for them if resources were diverted for this purpose, but it is not the function of the MOD to provide this kind of aerial identification service. It would be an inappropriate use of defence resources if we were to do so.

I have consulted the MOD's Air Defence experts about the sighting you reported. Following extensive enquiries, including checks with BAe Woodford and BAe Warton, I can confirm that there were no military aircraft in the area concerned at the time. I am also advised that the terms 'Warrior' and 'Kwango' have no significance in the field of military aviation. No evidence has been found to substantiate a breach of the UK Air Defence Region.

Yours sincerely,

Section 40

MARTIN BELL MP

HOUSE OF COMMONS
LONDON SW1A 0AA

MINISTRY OF DEFENCE
23 AUG 2000
FILE

7

19 August, 2000

Dear [redacted]

I understand that you have received a letter from my constituent, [redacted] of [redacted] about the alleged sighting of an unidentified flying object over Hartford on 9 July, 2000. I have seen a copy of your interim reply to [redacted] I know that he is anxious to hear from you more substantially as soon as possible.

Yours sincerely

[redacted]

[redacted]
Room 8245,
Main Building,
Ministry of Defence,
Whitehall,
London, SW1A 2HB

The National Archives' reference DEFE 24/2042/1

House of Commons

LONDON SW1
6 PM
22 DEC
2000
CFC1



Section 40

Room 8245,
Main Building,
Ministry of Defence,
Whitehall,
London, SW1A 2HB

Recycled Paper

The National Archives' reference DEFE 24/2042/1

6

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

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

Section 40

Your Reference

Our Reference
D/Sec(AS)64/2
Date
31 July 2000

Dear Section 40

I am writing to acknowledge receipt of your letter of 14 July concerning your report of an 'unidentified flying object', seen on 9 July.

We aim to reply to such letters within four weeks from the date of receipt. However, owing to current administrative difficulties it may not be possible to reply to you within this timescale.

Nevertheless, you may be assured that you will receive a substantive reply as soon as is practicable.

Yours sincerely,

Section 40

Section 40

Telephoned at 16.30 today. 3/8/2000

The National Archives' reference DEFE 24/2042/1

MINISTRY OF DEFENCE
DAO ADGE 1
Main Building, Whitehall, London, SW1A 2HB

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

5

See Distribution

Your Reference

Our Reference
D/DAO/1/13
Date
26 July 2000

INVESTIGATION OF UNUSUAL AIR ACTIVITY – 9 JUL 00

1. As RAF point of contact for reports of unusual air activity, I am writing to request assistance in determining whether the attached report might have any military significance. It is MOD policy to investigate reports of this nature only from credible witnesses, however, the informant has already attracted media interest from Radio 1 and a local newspaper; it would be prudent therefore to determine any possible military explanation for this incident.

2. The attached letter describes the sighting of an unusually shaped craft over Cheshire on 9 Jul 00, allegedly accompanied by radio traffic. Based on its contents, we would be grateful if you could determine whether:

a. Any reports of unusual air activity were made to military airfields or area radar units for the time in question.

b. Any military aircraft were active in the area, or may have been in transit at the time (bearing in mind it was a Sunday).

c. The terms `Warrior' and `Kwango' have any significance (eg callsigns?).

3. A reply by cop 10 Aug would be appreciated. The aim of this investigation is to eliminate Defence interest in this incident and findings will not be made public.

Section 40

Wg Cdr
for ACAS

Attached: Letter from Section 40

Distribution:

Action: HQ MATO – Gp Capt Ops

Information: Sec(AS)2A

Section 40

I4th July 2000

Dear Sir or Madam

On Sunday 9th July 2000 at approximately 13:45hrs (B.S.T.) , an unusual shaped craft was observed and filmed on video camera at Hartford, Cheshire. The recording lasts for approximately four minutes and there is dialogue with an airline pilot heading south towards Birmingham. This was achieved because a colleague brought out a portable 'air - band' radio next to the video camera, hence the dialogue was in real time.

The craft appeared to be revolving in a regular motion showing a dark then illuminated side. The craft appeared just below cloud level for most of the duration of the filming but entering the lower cloud base which was estimated at 5,000ft.

The craft may have been flying over the town of Wilmslow, Cheshire.
The dialogue between the airline pilot and ground base (either Manchester or Liverpool) states a 'target' had been identified and that a 'chase' was underway at 5,000 (ft).
There was a reference to 'Warrior' or 'Kwango' during the dialogue but when 'chase' was stated the second time the air wave frequency conversation quickly ended.
I am writing to you to enquire if any 'airprox' , 'airmiss' or unusual occurrence reports had been submitted to R.A.F. Valley.

I do appreciate that this area of Great Britain is a busy air traffic corridor both for civilian and military aircraft, and that facilities as British Aerospace in Chester, Stockport and Warton may have been conducting some form of trials of future aircraft.
I would be grateful if you could also inform me if any 'notam' signals or 'notams' had been raised between any military bases in the area.

I am quite happy to bring this video recording for you to examine and possibly identify this craft if you wish.

I have forwarded letters to the Ministry of Defence in London and also the Civilian Aviation Authority at Gatwick Airport to clear up this unusual occurrence.

Yours sincerely

Section 40

The National Archives' reference DEFE 24/2042/1

ROYAL AIR FORCE VALLEY
LLU AWYR BRENHINOL Y FALI

Valley, Holyhead, Anglesey, LL65 3NY
Y Fali, Caergybi, Ynys Môn, LL65 3NY

Tel/Ffôn: Section 40 **VPN** Section 40
Fax/Ffacs **Ext/Est:** Section 40

2 JUL 2000

4

Section 40

Please reply to:
Atebwch os gwelwch yn dda:

Our reference:
Ein cyfeiriad: VAL/146/1/Ops

Date:
Dyddiad: 18 July 2000

Dear Section 40

Thank you for your letter of 14 July 2000 concerning an unusual shaped aircraft sighting near Hartford Cheshire on the 9th July 2000. I can confirm that no aircraft from RAF Valley were involved, and that I have forwarded your letter to the proper authorities in the Ministry of Defence.

I can confirm we have had no other reports of any activity.

Once again thank you for bringing this to my attention.

Yours sincerely

Section 40

Section 40
Flight Lieutenant
for Officer Commanding

INVESTOR IN PEOPLE

RAF Valley welcomes correspondence in Welsh and English.
Mae LLAB Y Fali yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.

WALES QUALITY CENTRE CANOLFAN ANSAWDD CYMRU

The National Archives' reference DEFE 24/2042/1

Section 40

I4th July 2000

Dear Sir or Madam

On Sunday 9th July 2000 at approximately I3:45hrs (B.S.T.) , an unusual shaped craft was observed and filmed on video camera at Hartford, Cheshire. The recording lasts for approximately four minutes and there is dialogue with an airline pilot heading south towards Birmingham. This was achieved because a colleague brought out a portable 'air - band' radio next to the video camera, hence the dialogue was in real time.

The craft appeared to be revolving in a regular motion showing a dark then illuminated side. The craft appeared just below cloud level for most of the duration of the filming but entering the lower cloud base which was estimated at 5,000ft.

The craft may have been flying over the town of Wilmslow, Cheshire.
The dialogue between the airline pilot and ground base (either Manchester or Liverpool) states a 'target' had been identified and that a 'chase' was underway at 5,000 (ft).
There was a reference to 'Warrior' or 'Kwango' during the dialogue but when 'chase' was stated the second time the air wave frequency conversation quickly ended.
I am writing to you to enquire if any 'airprox' , 'airmiss' or unusual occurrence reports had been submitted to R.A.F. Valley.

I do appreciate that this area of Great Britain is a busy air traffic corridor both for civilian and military aircraft, and that facilities as British Aerospace in Chester, Stockport and Warton may have been conducting some form of trials of future aircraft.
I would be grateful if you could also inform me if any 'notam' signals or 'notams' had been raised between any military bases in the area.

I am quite happy to bring this video recording for you to examine and possibly identify this craft if you wish.

I have forwarded letters to the Ministry of Defence in London and also the Civilian Aviation Authority at Gatwick Airport to clear up this unusual occurrence.

Yours sincerely

Section 40

MOD DEFENCE
SECRETARIAT (SEC(AS)2)
17 JUL 2000
RECEIVED

Section 40

Tel: Section 40

I4th July 2000

Dear Sir or Madam,

On Sunday 9th July, 2000 at approximately I3:45hrs (B.S.T.), an unusual shaped craft was observed in the sky over Hartford, Cheshire. Upon observation, a video camera managed to film the craft for approximately four minutes, together with dialogue off an 'air band' portable radio of a pilot, who was flying an aircraft south to Birmingham.

The craft appeared to be revolving in a regular motion showing a dark, solid looking side then an illuminated section. This craft appeared to be just below cloud level, which was approximately 5,000ft, at times entering the base of the cloud layering. The craft appeared to be possibly over Wilmslow, Cheshire or in that direction when filmed.

The dialogue between the pilot of the aircraft which was south - bound and ground base (either Manchester or Liverpool) stated a 'target' had been observed and established and that a 'chase' at 5,000ft was underway. There was also a reference to either 'Warrior' or 'Kwango' on the recording. This was achieved because of the air band radio being next to the video camera in real time. There was reference to a 'chase', twice then the conversation was quickly ended.

Not a UK aircraft callsign

I am writing to enquire if any so called 'UFO reports', 'a near - miss' or 'airprox' reports have been submitted to the Ministry of Defence. — No airmisses reported

I do fully appreciate that this area of the country is a corridor for busy air traffic to and from both Manchester and Liverpool airports and that quite often military air traffic frequents the area travelling to R.A.F. Valley in Anglesey, therefore this unusual craft may have been of military origin or indeed something under the process of testing from the British Aerospace facilities at Broughton near Chester, Woodford near Stockport or Warton near Preston.

I am also writing to enquire if any 'NOTAM' signals, if anything was 'notamed' in this area on the day had been raised.

I am happy to bring this video recording to you, in order for your department to look at and form an opinion or positive identification of the craft, if you so wish.

Yours sincerely

Section 40

The National Archives' reference DEFE 24/2042/1

Royal Mail
Cheshire
Mail Centre
14.07.00
02:00 pm
23800376

Please use the Postcode

The Manager/ Manageress of

Secretariat Air Staff 2(a).

Section 40 [redacted]

Main Building

Whitehall

London

SW1A 2HB.

The National Archives' reference DEFE 24/2042/1

28 2015

2

Section 40

Please find attached drafts to two letters from members of the public which I would be grateful if you could have a look at.

Section 40 **first left a message about his sighting on the answerphone, he then wrote to us and RAF Valley. He has also been on BBC Radio 1 and twice contacted his local paper 'The Knutsford Enquirer'.**

In view of his obvious persistence and the media interest I thought it was worth checking to see if what he heard on his radio could be a military aircraft on a sortie in the area (although it was a Sunday). Section 40 **was here on another matter and said it could have been returning from an airshow. We sent the letter to** Section 40 Section 40 **and he asked MATO for details of any military activity in the area at the time (See attached copy of** Section 40**s letter). As** Section 40 **gave MATO a deadline of a day before our 20 days for reply to** Section 40 **I sent** Section 40 **a holding reply.**

Section 40 **then telephoned and the operator put him through to my telephone.** Section 40 **asked if we would be investigating his sighting. I told him we only had a limited interest etc but we would see if there was anything of defence significance in his report. He said he was not a believer in UFO's (although he has made reports before) and just wanted to establish what he might have seen and heard. He also said he had been a** Section 40 **for 12 years. He offered to bring the video recording he had made here so we could look at it but I said that would not be necessary, as I did not want him to think we were too interested.**

As you can see from the report we have now received from MATO via Section 40 **no military link was found. As he may well go back to the media with anything we tell him, I would be grateful for your views on my draft.**

Section 40 **heard** Section 40 **talking about his sighting on BBC Radio 1 and has written to SofS to ask if it is being investigated and if there will be a public announcement. As this is linked to** Section 40 Section 40 **letter I would be grateful for your views on this draft to.**

I have sent both drafts to Section 40 **on CHOTS. I have asked him to make any amendments you see fit and sign them on my behalf. As**

Section 40 has had an interim reply he could wait until my return, but Section 40 20 days are up on the 23 August.

I hope this makes sense. If not Section 40 also knows the details.

Section 40

16 August 2000

1/5

REPORT OF AN UNEXPLAINED AERIAL SIGHTING

1.	**Date and time of sighting.** (Duration of sighting.)	Sunday 9th July 2000 @ 13:45
2.	**Description of object.** (No of objects, size, shape, colour, brightness, noise.)	UFO
3.	**Exact position of observer. Geographical location.** (Indoors/outdoors, stationary/moving.)	Hertford, Cheshire
4.	**How object was observed.** (Naked eye, binoculars, other optical device, camera or camcorder.)	Naked eye
5.	**Direction in which object was first seen.** (A landmark may be more helpful than a roughly estimated bearing.)	
6.	**Approximate distance.**	
7.	**Movements and speed.** (side to side, up or down, constant, moving fast, slow)	
8.	**Weather conditions during observation.** (cloudy, haze, mist, clear)	

9.	**To whom reported.** (Police, military, press etc)	Sec(AS)2 Answerphone
10.	**Name, address and telephone no of informant.**	Section 40 Tel Section 40
11.	**Other witnesses.**	
12.	**Remarks.**	No reply as answerphone explains our policy and we have written to informant before.
13.	**Date and time of receipt.**	~~Tuesday~~ 10th July 2000 @ 18:23 Monday

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

ENCLOSURE 1/4

Section 40

Your Reference

Our Reference
D/Sec(AS)/64/3
Date
15 February 1999

Dear Section 40

Thank you for your recent letter in which you have asked for any information which could help you identify an unknown craft seen on the evening of 3 December 1998.

I have looked back through our sighting report files and I can confirm that the Ministry of Defence did not receive any reports of unusual aircraft from anywhere in the UK on 3 December 1998. I have also established that there were no military aircraft in the Northwich area carrying out low level flying training at the time and date specified in your letter.

I hope this is helpful.

Yours sincerely,

Section 40

The National Archives' reference DEFE 24/2042/1

Section 40

Tele Section 40

Dear Sir or Madam,

I am writing to see if your Department may be able to explain an incident, which occurred on Thursday 3rd December 1998, at about 23:45hrs (GMT).

Whilst attending to some horses in a stable, at Section 40 near Section 40 some colleagues whom I currently work with made an unusual observation.

The sky was clear with many stars visible and they (4 of them) observed a low flying object with three large red lights shining directly underneath it. This object appeared to hover for approximately three minutes, before moving off, in the direction of Warrington, Cheshire, some eight miles further north.

There was no sound associated with this object (they presumed it was an object of some sort because the three lights moved together when it flew off), and none of the nearby trees appeared to move from any draught the object may have made at the time of moving off.

Three of the witnesses were females aged between 17-20 years of age, with good visual acuity, the other witness was a lady aged 43 with presumably poorer visual clarity, however all four described the object the same with only minor differences in the size of the red lights.

I am wondering if, what these people observed was in any way some form of military vehicle from nearby RAF Valley in Anglesey, or something being tested from British aerospace at Warton, Lancashire.

MINISTRY OF DEFENCE
SEC(AS)2
18 JAN 1999
FILE

I would be grateful if you could inform me of any way of identifying this object as the people whom observed it, were frightened and are now slightly agitated when going to tend their horses in the hours of darkness.

Yours sincerely

Section 40

[redacted]

The National Archives' reference DEFE 24/2042/1

From: Section 40 Secretariat(Air Staff)2a1a, 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
Date
28 April 1998

Dear Section 40

1. I am writing with reference to your message left on the Secretariat (Air Staff) answerphone regarding strange lights seen in the sky near Westbury, Wiltshire on the evening of Saturday 25 April.

2. I have made enquiries and have established that there were no military aircraft operating in the area and we did not receive any other sighting reports for 25 April from anywhere in the UK. We are satisfied that there is no corroborating evidence to suggest that the United Kingdom's airspace was breached by unauthorised military aircraft which, as stated to you in my last letter of 29 January, is our only concern.

Yours sincerely,

Section 40

ENCLOSURE NUMBER 1/2

From: Section 40 Secretariat(Air Staff)2a1a, 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

Date
29 January 1998

D&SV Section 40

1. I am writing with reference to your message left on the Secretariat (Air Staff) answerphone regarding an "unidentified flying object" seen near Cuddington, Northwich on 11 January. This office is the focal point within the Ministry of Defence for correspondence of this nature.

2. First I should explain that the Ministry of Defence examines any reports of "unidentified flying objects" it receives solely to establish whether what was seen might have some defence significance; namely, whether there is any evidence that the UK Air Defence Region might have been compromised by hostile or unauthorized foreign military activity.

3. Unless there is evidence of a potential military threat, and to date no "UFO" report has revealed such evidence, we do not attempt to identify the precise nature of each sighting reported to us. We believe that rational explanations, such as aircraft lights or natural phenomena, could be found for them if resources were diverted for this purpose, but it is not the function of the MOD to provide this kind of aerial identification service. It would be an inappropriate use of defence resources if we were to do so.

4. With regard to your particular observation, I can confirm that we received no other reports of "UFO" sightings for 11 January from anywhere in the UK, and we are satisfied that there is no corroborating evidence to suggest that the United Kingdom's airspace was breached by unauthorised military aircraft.

Yours sincerely,

Section 40

Report held on 64/2 pt G enc. 48/1 .

The National Archives' reference DEFE 24/2042/1

ENCLOSURE 4&6 NUMBER

REPORT OF AN UNEXPLAINED AERIAL SIGHTING

1. Date, time & duration of sighting	11 Jan 95. 1350hrs
2. Description of object (No of objects, size, shape, colour, brightness, noise)	Two triangular shaped objects which merged into one. Trail coming out of rear.
3. Exact position of observer (Indoors/outdoors, stationary/moving)	Accrington, Lancs.
4. How observed (Naked eye, binoculars, other optical device, camera or camcorder)	
5. Direction in which object first seen (A landmark may be more useful than a roughly estimated bearing)	EAST
6. Angle of sight (Estimated heights are unreliable)	
7. Distance (By reference to a known landmark)	
8. Movements (Changes in 5, 6 & 7 may be of more use than estimates of course and speed)	
9. Met conditions during observations (Moving clouds, haze, mist etc)	
10. Nearby objects (Telephone lines, high voltage lines, reservoir, lake or dam, swamp or marsh, river, high buildings, tall chimneys, steeples, spires, TV or radio masts, airfields, generating plant, factories, pits or other sites with floodlights or night lighting)	

The National Archives' reference DEFE 24/2042/1

11. To whom reported (Police, military, press etc)	
12. Name, address and telephone no of informant	Section 40 [redacted]
13. Any further detail volunteered	
14. Other witnesses	
15. Date and time of receipt	28/1/08
16. Remarks	message left on 'UIO' answerphone. Reply requested.

Reply sent.
Copy on file
6413 pt L
enc. 42

DIAGRAMS OF AIRCRAFT
SIGHTED CUDDINGTON OXFORDSHIRE
11/01/98 1.PM. (GMT)

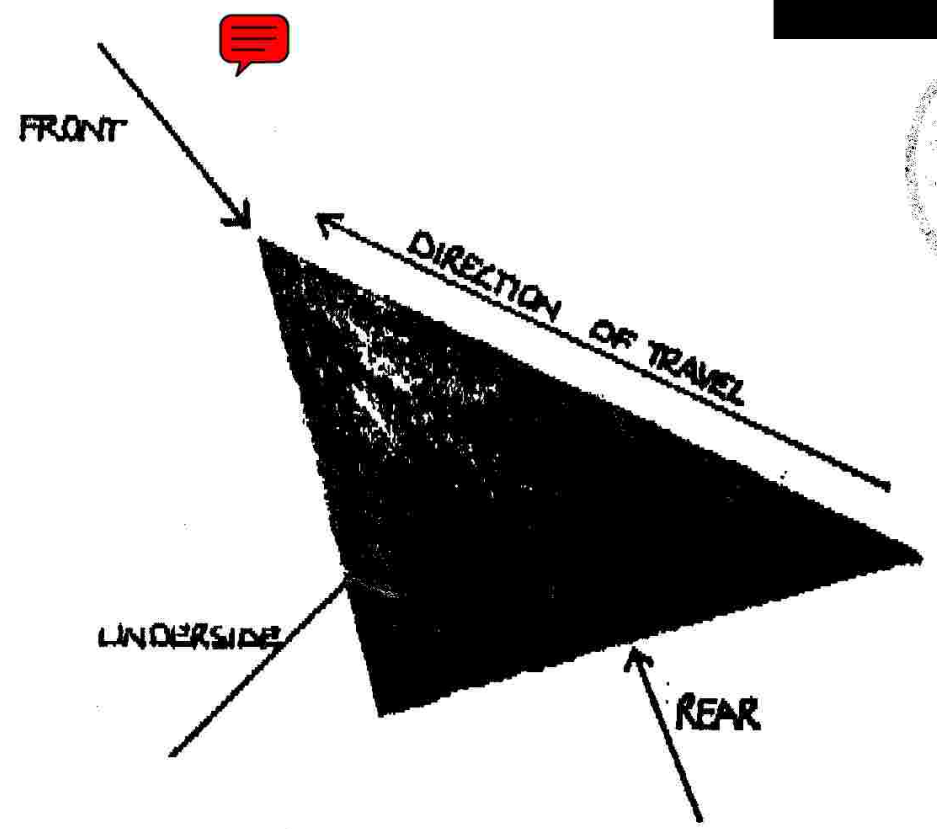
? use Expert
Gas plasma action.

PILOT [redacted]

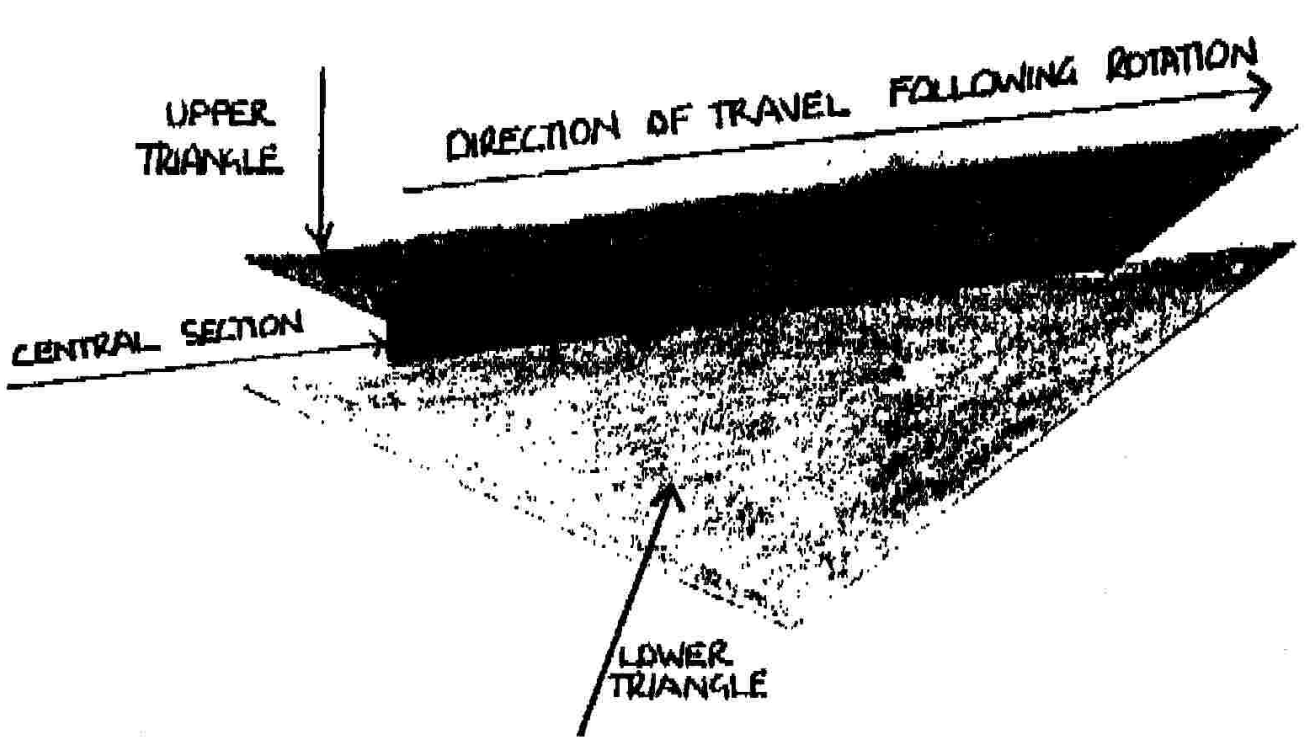
Section 40

Section 40

DISCLOSURE

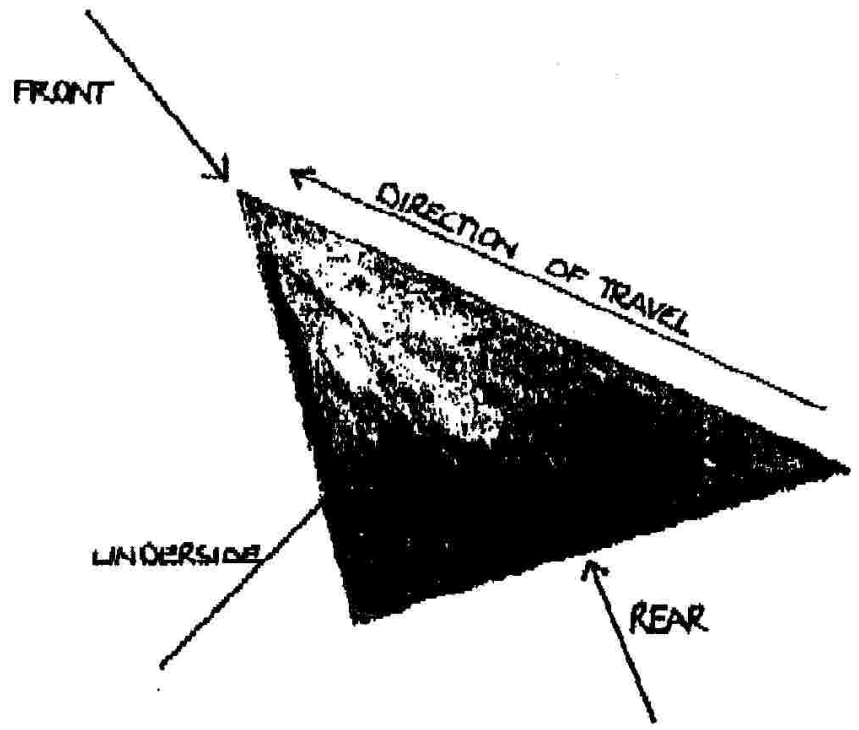


2

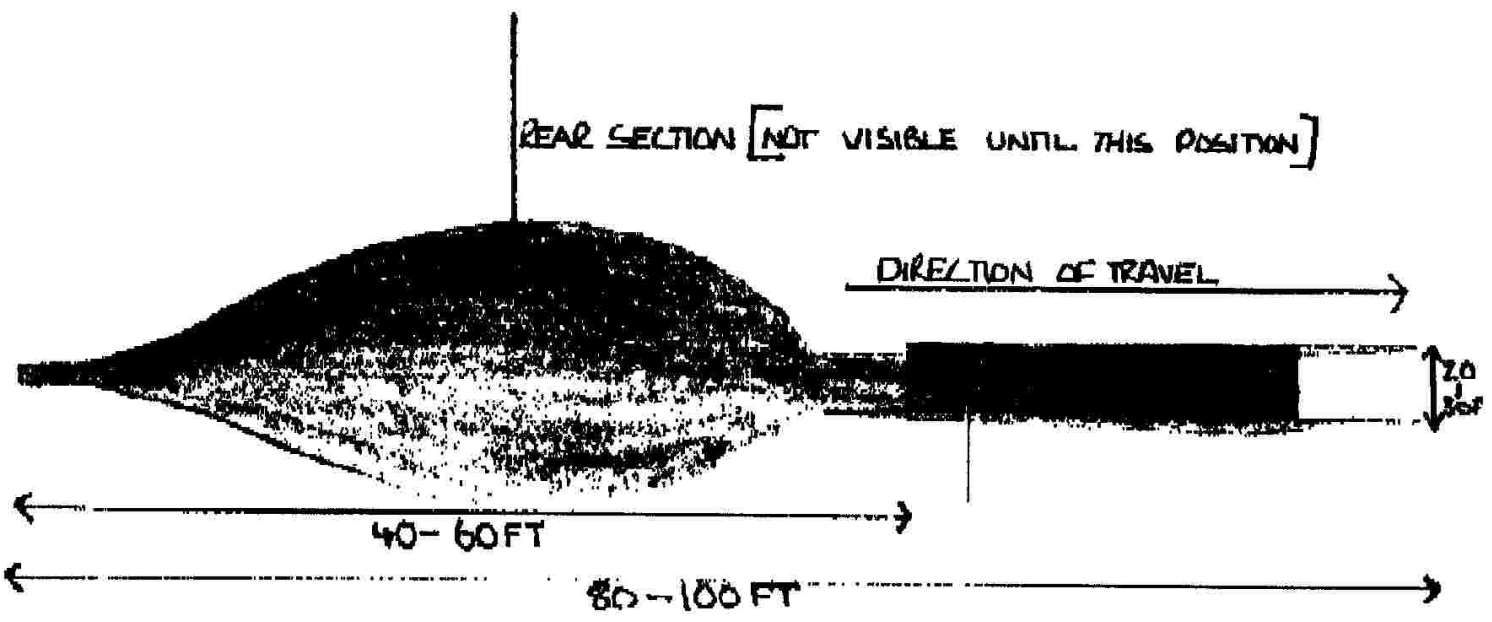


The National Archives' reference DEFE 24/2042/1

1



3



2 of 3

The National Archives' reference DEFE 24/2042/1

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

Telephone (Direct Dialling) 0171 218 **2140**
(Switchboard) 0171 218 9000
(Fax)

Section 40

Your reference

Our reference
D/Sec(AS)/64/3
Date
12 March 1996

Dear Section 40

1. Thank you for your letters of 1st and 6th February 1996, concerning the subject of "unidentified flying objects".

2. First with regard to the airmiss reported by the British Airways pilots approaching Manchester Airport on 6 January 1995, I can confirm that as a matter of routine the MOD was notified about the pilots' report by the Civil Aviation Authority shortly after the incident occurred. At the time I discussed the matter with Departmental air defence experts who confirmed that they were not aware of anything which would indicate a matter of defence significance associated with the sighting, or of any evidence that the UK's air defence had been compromised. You asked whether the pilots might have observed a military aircraft and presumed that the Joint Airmiss Section (JAS) Working Party contacted this office during the course of their investigations. They did not. The JAS (now known as Joint Airproximity Section) is a joint CAA/MOD organisation and it has complete access to all sources of information available which would have confirmed or otherwise any military aircraft involvement. Without any evidence of defence significance, MOD interest in this sighting has long since concluded.

3. Second, you asked whether there was a military aircraft accident at or near RAF St Mawgan on 6 February 1985. Our records show no trace of any such accident. You may be interested in the attached Hansard Extract which was the official answer given to Parliament in response to a question posed by Mr Dafis MP in November 1995. You will note the list refers to all military *jet* aeroplane crashes in United Kingdom airspace since 1980. This record does show, however, that there was a military aircraft crash at RNAS Yeovilton a day later.

4. I should stress that there is no evidence to suggest that any of these aircraft crashes were as a result of an encounter with a so-called "unidentified flying object/flying saucer".

5. I hope this is helpful.

Yours sincerely

Section 40

The National Archives' reference DEFE 24/2042/1

Military Air Crashes

Mr. Dafis: To ask the Secretary of State for Defence if he will list all military jet airplane crashes in United Kingdom airspace since 1980 indicating the date and location of each crash or the types of aircraft involved. [2738]

Mr. Soames: The table lists crashes which resulted in category 4 or category 5 damage, or nearest equivalent, to one or both of the military fixed-wing jet aircraft involved:

Date	*Aircraft*	*Location*
1980		
12 February	Hunter FGA9	Isle of Skye
5 March	Phantom FGR2	RAF Coningsby, Lincolnshire
12 March	Harrier GR3	2¾ nm SE of Lampeter, Dyfed
17 March	Hunter GA11	English Channel, 10 nm SSW of Start Point
29 April	F-111E	Mappenton, Dorset
8 May	Jet Provost T5A	Near RAF Swinderby, Lincolnshire
17 May	Hawk T1	Brighton sea front, Sussex
28 May	Hunter FGA9	3 nm SE of Dufftown, Morayshire
29 May	Hunter T7	1 nm S of Little Saxham, Suffolk
3 June	Phantom FG1	RAF Alconbury, Cambridgeshire
31 July	Jet Provost T3A	½ nm S of RAF Elvington, North Yorkshire
19 August	Hawk T1	RAF Valley, Anglesey
12 November	Phantom FGR2	North Sea, 50 nm NE of Cromer
17 November	Nimrod MR2	RAF Kinloss, Morayshire
18 November	2 x A-10A	Great Yarmouth, Norfolk
1 December	Sea Harrier FRS1	English Channel, 25 nm S of Land's End
9 December	Phantom FGR2	North Sea, 10 nm NE of Lowestoft
1981		
9 January	A-10A	RAF Donna Nook, Lincolnshire
28 January	Jet Provost T5A	4 nm W of RAF Leuchars, Fife
4 February	A-10A	East Wretham, Suffolk
23 February	Hunter FGA9	Moray Firth, 20 nm N of RAF Lossiemouth
25 March	F-111	RAF Fairford, Gloucester
3 April	Hunter FGA9	RAF Lossiemouth, Morayshire
8 May	A-10A	RAF Wainfleet, Lincolnshire
1 June	Jaguar T2	4 nm NE of Kirriemuir, Tayside
16 June	Jet Provost T5A	RAF Leeming, North Yorkshire
9 July	Phantom FG1	RAF Leuchars, Fife
17 July	Jaguar GR1	1 nm SE of Great Malvern, Hereford and Worcester
23 July	Lightning F6	North Sea, 50 nm NNE of RAF Binbrook
24 July	Jaguar T2	Bristol Channel, 9 nm W of Hartland Point, Devon
30 July	Jet Provost T3A	2 nm N of Snainton, North Yorkshire
6 August	Jaguar GR1	2 nm SW of Barnard Castle, Durham
23 September	Buccaneer S2B	RAF Wattisham, Suffolk
21 October	Hunter T7	St. George's Channel, 35 nm SW of Brawdy
22 October	Jet Provost T3A	Holme-on-Spalding-Moor, Humberside
18 November	Jaguar GR1	14 nm NW of Dingwall, Ross and Cromarty
1 December	Hunter T7	1½ nm N of RAF Brawdy, Dyfed

HANSARD EXTRACT
Col 571 - 576
Dated 28:11:95

PQ 9393

Date	*Aircraft*	*Location*
1982		
7 January	Hawk T1	RAF Bedford, Bedfordshire
12 February	Harrier GR3	8 nm S of Corwen, Clwyd
17 March	Hunter 12	RAF Farnborough, Hampshire
2 April	Jaguar GR1	The Wash, 5 nm SW of Hunstanton
4 April	Phantom FGR2	½ nm SE of Walcot, Lincolnshire
22 April	Jet Provost T4	Nant-y-Moch Reservoir, Dyfed
4 May	F-16	Beccles, Suffolk
12 May	Tornado GR1	RAF Coningsby, Lincolnshire
13 May	Hunter FGA9	15 nm SE of Aberystwyth
17 May	Jet Provost T5A	RAF Linton-on-Ouse, North Yorkshire
17 May	Sea Harrier FRS1	RNAS Yeovilton, Somerset 1½ nm SW of RAF Lossiemouth, Morayshire
17 June	Buccaneer S2B	1½ nm SW of RAF Lossiemouth, Morayshire
23 June	F-111F	Strathconon Forest, Ross and Cromarty
7 July	Phantom FGR2	North Sea, 35 nm N of Cromer
28 July	Hawk T1	RAF Valley, Anglesey
5 August	Hunter T7	4½ nm NW of Carmarthen, Dyfed
13 September	Jaguar GR1	11 nm N of Bonar Bridge, Sutherland
16 September	F-111F	RAF Leuchars, Fife
15 October	Victor K2	RAF Marham, Norfolk
20 October	Hawk T1	RAF Chivenor, Devon
7 December	F-111F	Cullin Hills, Isle of Skye
7 December	F-104G Starfighter	Irish Sea, off Brawdy
9 December	Jet Provost T5A	Lake Thirlmere, Cumbria
16 December	Hunter T8C	The Solent, 3 nm of Nab Tower
1983		
21 January	Sea Harrier FRS1	Cattistock, Dorset
23 February	Harrier GR3 and Harrier T4	3 nm NE of Peterborough, Cambridgeshire
7 March	Jaguar GR1	RAF Tain, Ross and Cromarty
30 March	Jet Provost T3A	RAF Elvington, North Yorkshire
12 April	F-104 Starfighter	Otterburn range
19 April	Jaguar GR1	North Sea, 35 nm NNE of RAF Coltishall
16 May	Hunter GA11	English Channel, 2 nm off Portland Bill
24 June	Hawk T1	Irish Sea, 4 nm SW of the Isle of Man
29 July	2 x Hawk T1	Near Holsworthy, Devon
29 July	Hawk T1	St. George's Channel, 40 nm SW of RAF Brawdy
26 August	Lightning F3	Scarborough, North Yorkshire
19 September	Jaguar GR1	RAF Lossiemouth, Morayshire
27 September	Tornado GR1	Wolferton Marsh, Norfolk
19 October	Canberra B2	North Sea
20 October	Sea Harrier FRS1	2 nm SE of Dorchester, Dorset
28 October	Harrier GR3	RAF Holbeach, Norfolk
28 October	Tornado GR1	North Sea, 10 nm N of Sheringham
14 November	Tornado GR1	RAF Honington, Suffolk
21 November	Jet Provost T3A	2 nm SE of Ribblehead Viaduct, North Yorkshire
12 December	2 x A-10A	North Sea, off Great Yarmouth
21 December	F-111F	North Sea, off Scotland
1984		
17 January	Jaguar T2	¾ mile from A and AEE Boscombe Down
29 February	A-10A	Suffolk
11 May	Jet Provost T3A	RAF Linton on Ouse, North Yorkshire
20 May	Buccaneer S2B	North Sea, 45 nm NE of Fraserburgh
3 June	Nimrod MR2	RAF St. Mawgan, Cornwall
12 July	Tornado GR1 and Jaguar GR1A	1½ nm NW of Sheringham, Norfolk
9 August	F-111E	Loch Eye, Ross and Cromarty
15 August	Jet Provost T3A	RAF Cranwell, Lincolnshire
22 August	Jaguar GR1A	North Sea, 20 nm ENE of Cromer
31 August	Hawk T1	Sidmouth Bay, Devon
9 October	Tornado	RAF Cottesmore, Leicestershire
25 October	Hawk T1	Tremadoc Bay, Gwent
31 October	Hunter T8C	The Solent, 2 nm off Nab Tower
7 November	Hawk T1	Mona Airfield, Anglesey
8 November	Lightning F6	North Sea, 7 nm E of Spurn Head
1 December	Sea Harrier FRS1	6 nm NE of Fort William
1985		
30 January	Hawk T1A	Bristol Channel, off Mumbles Head
7 February	Harrier T4N	3 nm N of RNAS Yeovilton, Somerset
6 March	Lightning F6	North Sea, 20 nm NE of Skegness
10 April	F-111F	RAF Lakenheath, Suffolk
17 April	Hawk T1	1 nm S of RAF Wattisham, Suffolk
30 April	F-5A	RAF Kinloss, Morayshire
14 June	Buccanneer S2B	RAF Lossiemouth, Morayshire
8 August	Canberra B2	RAF Alconbury, Cambridgeshire
19 September	Lightning F6	North Sea, 50 nm E of Flamborough Head
7 October	Jaguar GR1A and Jaguar GR1	4 nm WSW of Alston, Cumbria
24 October	Tornado	Stannersburn, North Yorkshire
19 November	Harrier GR3	RAF Wittering, Cambridgeshire
12 December	Tornado GR1	North Sea, off Flamborough Head
1986		
7 January	Phantom FGR2	5 nm SSE of Aysgarth, North Yorkshire
16 April	Sea Harrier FRS1	North Atlantic Ocean, 120 nm W of Tiree
25 May	Meteor T7 and Vampire T11	RAF Mildenhall, Suffolk
6 June	2 x Jet Provost T5A	2½ nm NNW of Helmsley, North Yorkshire
17 June	Tornado	Near Claerwen Reservoir, Powys
17 June	Harrier GR3	RNAS Yeovilton, Somerset
2 July	Hawk 200	BAe Dunsfold, Surrey
7 July	Hawk T1	RAF Valley, Anglesey
15 July	Lightning F6	North Sea, 7 nm N of Whitby
24 July	F-4 Phantom	St. Bride's Bay, Dyfed
21 October	Tornado	Otterburn range
3 November	Hawk T1A	RAF Scampton, Lincolnshire
27 November	Jaguar GR1A	Eskdalemuir Forest, Borders
2 December	Tornado GR1	Wortham, Suffolk
10 December	2 x Tornado GR1	Near Thorney, Cambridgeshire
1987		
23 February	F-111	Near Newmarket, Suffolk
19 March	Lightning F3	RAF Binbrook, Lincolnshire
22 April	Buccaneer S2B	North Sea, 25 nm E of Wick
3 June	Tornado GR1	Manby Airfield, Lincolnshire
17 June	Jaguar GR1A and Tornado GR1	S of Keswick, Cumbria

The National Archives' reference DEFE 24/2042/1

Date	*Aircraft*	*Location*
24 June	Jaguar GR1A	3 nm SE of Builth Wells, Powys
27 July	Tornado GR1	10 nm NW of Pickering, North Yorkshire
28 July	F-111	Near Lauder, Berwickshire
26 August	F-4J(UK) Phantom	10 nm S of Aberystwyth, Dyfed
7 September	Phantom FG1	North Sea, 50 nm E of RAF Leuchars
15 October	Sea Harrier FRS1	North Atlantic Ocean, 85 nm SW of Tiree
2 November	2 x Harrier GR3	Otterburn range
16 November	2 x Hawk T1	Welton, Lincolnshire
1988		
22 January	Hawk T1A	RAF Scampton, Lincolnshire
11 April	Lightning F6	North Sea, 5 nm off Easington, Humberside
20 April	Phantom FG1	North Sea, 23 nm E of RAF Leuchars
13 May	Hawk T1A	RAF Brawdy, Dyfed
30 May	Meteor T7	3nm NE of Coventry Airport, Warwickshire
14 June	Hunter GA11	2 nm NW of RNAS Yeovilton, Somerset
24 June	Hawk T1A	RAF Scampton, Lincolnshire
9 August	2 x Tornado GR1	Blencarn, Cumbria
23 September	Phantome FGR2	RAF Abingdon, Oxfordshire
22 December	A-10A	RAF Alconbury, Cambs
1989		
9 January	Phantom FGR2	North Sea, 50 nm E of RAF Leuchars
8 March	Jet Provost T3A	Kirby Misperton, North Yorkshire
13 April	Jaguar GR1A	Lumsdaine Beach, Borders
17 April	A-10A	Near RAF Alconbury, Cambridgeshire
24 April	Phantom FGR2	North Sea, 30 nm E of Flamborough Head
14 June	2 x Hawk T1	6 nm NE of Aberystwyth, Dyfed
21 July	Tornado F3	North Sea, 35 nm NE of Newcastle
14 September	Tornado GR1	3 nm of RAF Abingdon, Oxfordshire
20 September	Hawk T1A	RAF Brawdy, Dyfed
4 October	Sea Harrier FRS1	English Channel, 13 nm West of Portland Bill
1990		
9 January	Tornado GR1 & Jaguar GR1A	4nm E of Hexham, Northumberland
5 February	F-111E	RAF Wainfleet, Lincolnshire
6 February	A-10A	Near Hereford
10 April	Hunter T8C	3½ nm N of Dorchester, Dorset
30 April	Phantom FGR2	RAF Valley, Anglesey
2 May	F-111F	Near Sculthorpe, Norfolk
9 May	Hawk T1	1 nm NW of RAF Valley, Anglesey
27 June	Canberra E15	1 nm E of RAF Kinloss, Moray
14 August	2 x Tornado GR1	North Sea, 10 nm NE of Spurn Head
16 August	Tornado GR1	North Sea, 6 nm NE of Spurn Head
12 September	Jaguar GR1A	Solway Firth, 4 nm W of Silloth
1991		
28 February	F-16A	North Sea, 80 nm NE of RAF Coltishall
18 March	Canberra T4	RAF Wyton, Cambridgeshire
10 May	Sea Harrier FRS1	1 nm NE of Parc Seymour, Gwent
29 August	Jaguar T2A	Carno, Powys
12 September	Tornado GR1	Bristol Channel, S of Steep Holm Island
25 September	Harrier T4	3 nm N of Great Driffield, Humberside
1992		
17 February	Hunter T8C	North Atlantic Ocean, 85 nm NW of Cape Wrath
2 April	EF-111A	RAF Upper Heyford, Oxfordshire
14 May	Harrier GR3	RAF Wittering, Cambridgeshire
9 July	Buccaneer S2B	North Sea, 38 nm E of RAF Leuchars
7 August	Harrier GR5	RAF Wittering, Cambridgeshire
17 September	F-111E	RAF Upper Heyford, Oxfordshire
30 September	Hawk T1A	RAF Chivenor, Devon
1993		
28 June	Harrier GR7	5 nm SW of Heckington, Lincolnshire
1 July	Hawk T1	RAF Valley, Anglesey
24 July	2 x MIG-29	RAF Fairford, Gloucestershire
21 October	Tornado F3	Stainmore, Cumbria
1994		
5 Janaury	Sea Harrier FRS2	Bristol Channel, 5 nm SE of Lundy Island
14 January	Harrier GR7	Vale of Evesham, Hereford and Worcester
7 June	Tornado F3	North Sea, 45 nm NE of Scarborough
27 June	Harrier T4N	RNAS Yeovilton, Somerset
19 July	Tornado GR1	Moray Firth, 16 nm N of RAF Lossiemouth
1 September	Tornado GR1A	Glen Ogle, Perthshire
1995		
10 March	Tornado F3	North Sea, 20 nm SE of Spurn Head
16 May	Nimrod R1	Moray Firth, 3½ nm N of RAF Lossiemouth
1 June	Harrier GR7	Solway Firth, 3 nm SE of Burrow Head
26 July	Harrier T10	RAF Wittering, Cambridgeshire
10 August	Hawk T1W	Mona Airfield, Anglesey
29 August	U-2R	RAF Fairford, Gloucestershire
20 October	Sea Harrier FA2	RNAS Yeovilton, Somerset
30 October	2 x Tornado F3	North Sea, 50 nm E of RAF Leuchars

Section 40

Section 40

An Organisation dedicated to the Research & Investigation of Unidentified Flying Objects and the abduction phenomenon.

Section 40

Secretariat (Mr Chris Lis)
Room H245
Main Building
Whitehall
LONDON
SW1A 2HB

Ref:Commercial Air Transport Aircraft Reports (Jan-April 95)
Airtrax Report No:95/1

Date: 01/04/95 Jan MIGHT
Position: NE'ly (Heading) 1M SW of Manchester Airport

Dear Section 40

I am writing to you in reference to the above noted subject. As you will be aware I have recently been given a copy of I have also spoken to a witness, Section 40 of Section 40 who observed what could have been the same object from a different position.

Naturally I am writing to ask if there is any further information relating to this sighting although there are some suggestions in this report I would value your own comments particularly

With regard to PART A SUMMARY OF INFORMATION REPORTED: TO ATC the pilot reported he had seen the Manchester Approach controller. Both the Co-Pilot and Navigator (who was First Officer Kennedy) had also seen it but only briefly as their attention was focused firstly on the glare shield then switching to the navigation radar.

AAIB Note 3 reports that the reported object remains unidentified despite replaying a radar showing only a number of secondary contacts.

It is suggested that this sighting might have been a flare dropped from a military aircraft but careful checks by the Military Working Group have always dismissed this due to the conditions during the evening.

AAIB also appear to have explored the possibility that this object could have been a meteor but careful checks by the Met Office have ruled this out due to the conditions during the evening.

Finally contact was also made with Manchester Airport Authority Police regarding this incident. Their assumption was that no military activity would take place in such busy UK airspace (i.e. in and around Manchester Airport a busy International Airport) although part of the statement states that there is uncontrolled airspace to the East of Manchester therefore the possibility of military activity cannot totally be discounted.



PART B SUMMARY OF THE WORKING GROUPS DISCUSSION

Information available to the Working Group included reports from the pilot of the B757,transcripts of the R/T frequencies,a video recording,and reports from the Air Traffic controllers.Has this data been relayed to your Department?

Our witness states that on the day of the sighting,he was driving towards Manchester Airport towards the [redacted] to pick his girlfriend up from work,and his sighting occurred at approximately 17:45pm.He states he observed the passenger aircraft coming into land at Manchester Airport,and during this time he observed a triangular shaped object,with a triangular shaped window on one side of it.He states it had sandy/white lights along one side of it,the object became upright then banked to the left and then twisted around in flight.This was observed through a large gap in cumulous cloud.One side of the object was darker than the other and the other side had circles and squares on it with other lines etc. On one end of the triangle shape was a series of what he describes as 'burners' he states there were more than six of these in a row,some larger than others. He did not hear any sound from the object because it was very high up and he could also hear background noise around him,he got out of his car as he was beginning to swerve in the road, but he then observed the object for a further five minutes outside of his car.

[redacted] are writing to British Airways and also the CAA in an attempt to merge the evidence of the pilot and First Officer with our witness.There is a time gap inbetween the sightings of the pilots and our witness,however there is the possibility the object might have been sighted by other persons who now might come forward,and that such credible witnesses have stated what they observed.

Is it possible [redacted] that this sighting could be due to Military Aircraft? there have been suggestions by other people involved with investigating UFO sightings that the Aurora craft could have been on some 'covert mission' above England,however I believe this unlikely in the airspace of this sighting,I wondered whether a RPV (Remote Piloted Vehicle) could have gone astray from a Military exercise on the Peninsular,and this could have been the culprit?

As you are aware I am looking to solve this particular sighting,the Airmics Working Party speak of 'extra terrestial activity' and its foundations,however I am sure there is a far more 'down to Earth' explanation to this sighting,and maybe together with the information from the Pilot and First Officer together with our witness and possibly with some aid from yourselves we can solve this particular sighting.

Yours sincerely

[redacted]

Enc: Airmics Working Group Report Pages 1 & 2.

The National Archives' reference DEFE 24/2042/1

AIRMISS WORKING GROUP

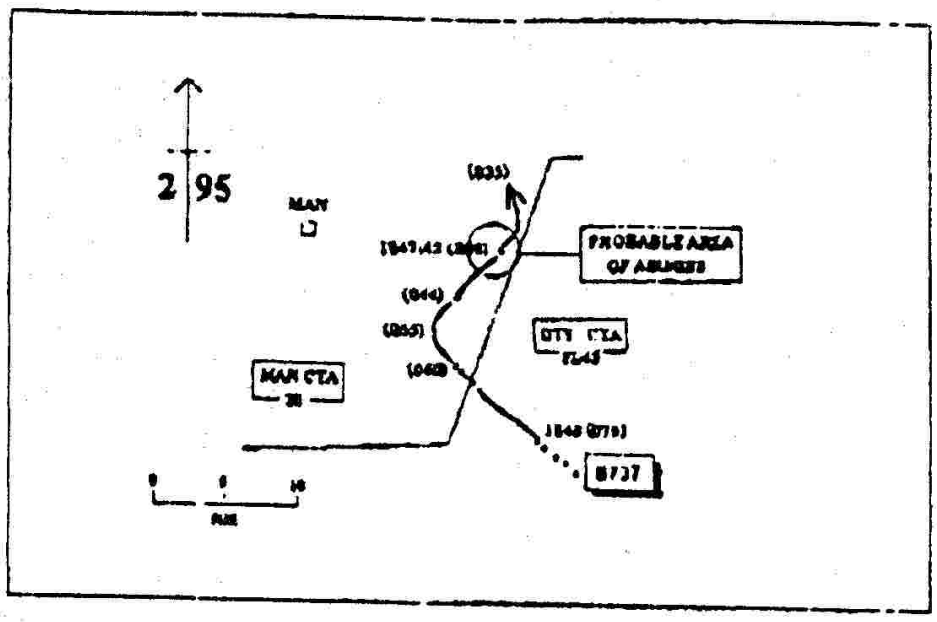
3

COMMERCIAL AIR TRANSPORT AIRMISS REPORTS (JANUARY–APRIL 1995)

AIRMISS REPORT No. 2/95

Date/Time: 061848 Jan NIGHT
Position: N5318 W0200
(8NM SE Manchester Apt)
Airspace MTMA *Class:* A

	Reporting Aircraft	*Reported Aircraft*
Type:	B737	Untraced
Operator:	CAT	
Alt/FL	4000 ft ↓ (QNH 1027 mb)	
Weather	VMC CLAC	
Visibility:	10 km+	



PART A: SUMMARY OF INFORMATION REPORTED TO JAS

THE B737 PILOT reports that he was over the Pennines, about 8 or 9 NM SE of Manchester Airport, at 4000 ft, while being radar vectored by Manchester radar on 119.4. He was flying at 180–210 kt on a N heading and squawking 5734 with Mode C selected. Although it was dark, visibility was over 10 km with a fairly strong NW wind (340/30). While flying just above the tops of some ragged Cu both he and the first officer saw a lighted (see JAS notes) object fly down the RH side of the ac at high speed from the opposite direction. He was able to track the object through the RH windscreen and side window, having it in sight for a total of about 2 seconds. There was no apparent sound or wake. The first officer instinctively 'ducked' as it went by.

The first officer reports that his attention, initially focused on the glare shield in front of him, was diverted to something in his peripheral vision. He looked up in time to see a dark object pass down the right hand side of the ac at high speed; it was wedge-shaped with what could have been a black stripe down the side. He estimated the object's size as somewhere between that of a light ac and a Jetstream, though he emphasises that this is pure speculation. It made no attempt to deviate from its course and no sound was heard or wake felt. He felt certain that what he saw was a solid object - not a bird, balloon or kite.

MANCHESTER ATC reports that the B737 was being radar vectored from Dayne to the ILS for RW 24 when the pilot reported a lighted object passing close by above and in the opposite direction. There was no known traffic in the vicinity at the time and no radar contacts were seen.

JAS Note (1): Telephone conversations subsequently took place with both the captain and the first officer. The captain remained convinced that the object was itself lit. Although he could not determine a definite pattern, he described it as having a number of small white lights, rather like a Christmas tree. He confirmed the high speed of the object, and though unable to estimate its distance, said he felt it was very close. Following the incident, the captain and first officer independently drew what they had seen, both agreeing about the shape but differing in their opinions about the lighting aspects. The first officer felt that the object was illuminated by their landing lights, which at that stage were switched on. He was unable to assess its distance, other than to say that he involuntarily 'ducked', so it must have appeared to him to have been very close. He was entirely convinced, as was the captain, that what they had seen was a solid object and not a Met phenomenon, balloon, or any other craft with which they were familiar, or a Stealth ac, which he had himself seen and which he feels he would have recognised.

Section 40

[redacted]

The National Archives' reference DEFE 24/2042/1

JAS Note (2): Despite exhaustive investigations the reported object remains untraced. A replay of the Clee radar shows a number of secondary contacts, including the subject B737, being radar sequenced in the Manchester TMA and zone. The B737 tracks over two almost stationary primary contacts just N of Leek on a NW heading while descending through FL 70--60. On entering the Manchester TMA, passing FL 50, it is vectored right onto about 040°, and continues to descend on a NE track along the E boundary of the Manchester TMA to within 0.75NM of the Daventry CTA, where the base of CAS is FL 45. At this point, passing 3600 Mode C, the ac is turned onto a L base for RW 24 as part of a busy sequence of inbound ac. At no time during this downwind leg is any other radar contact seen in the vicinity. An extract from the RT recording on 119.4, which shows that the B737 was given descent clearance to 4000 ft at 1845:30, follows:

From:

B737 (1848) – 'c/s we just had something go down the RHS just above us very fast.'
Manchester – 'Well, there's nothing seen on radar. Was it er an ac?'
B737 – 'Well, it had lights, it went down the starboard side very quick.'
Manchester – 'And above you?'
B737 – 'er, just slightly above us, yeah.'
Manchester – 'Keep an eye out for something, er, I can't see anything at all at the moment so,er, must have, er, been very fast or gone down very quickly after it passed you I think.'
B737 – 'OK. Well, there you go!'

The possibility that the object might have been a hang glider, paraglider or microlight was investigated, but all the operating authorities, without exception, agreed that this was an extremely unlikely explanation, for various reasons, but mainly because none of these activities takes place at night. In addition, there are the obvious hazards of flying in the dark, from high ground (the peaks in this area along the Pennine ridge range from 1600 to over 2000 ft), strong winds, and because these aircraft are unlit. JAS also explored the possibility of military activity, but could find no evidence in support of this from any official source. In any case, it seems most unlikely that such a flight would have been conducted in CAS and so close to a busy international airport. Because of the B737's proximity to uncontrolled airspace to the E of Manchester during the downwind leg, which covers the airmiss period, the possibility of unknown military or civil activity in the adjacent FIR cannot be completely discounted. However, the liklihood of such activity escaping detection is remote, as the area is well served by several radars and any movements at the levels in question would almost certainly have generated a radar response.

PART B: SUMMARY OF THE WORKING GROUP'S DISCUSSIONS

Information available to the Working Group included reports from the pilot of the B737, transcripts of the relevant RT frequencies, a video recording, and reports from the air traffic controllers involved.

The Group were anxious to emphasise that this report, submitted by two responsible airline pilots, was considered seriously and they wished to commend the pilots for their courage in submitting it, and their company, whose enlightened attitude made it possible. Reports such as these are often the object of derision, but the Group hopes that this example will encourage pilots who experience unusual sightings to report them without fear of ridicule. It was quickly realised by all members that, because of its unusual nature, they could only theorise on the possibilities once normal avenues of investigation had been explored. There is no doubt that the pilots both saw an object and that it was of sufficient significance to prompt an airmiss report. Unfortunately, the nature and identity of this object remains unknown. To speculate about extra-terrestrial activity, fascinating though it may be, is not within the Group's remit and must be left to those whose interest lies in that field. It is probably true to say, however, that almost all unusual sightings can be attributed to a wide range of well known natural

Section 40

[redacted]

phenomena. There are, of course, a few which defy explanation and thus fuel the imagination of those who are convinced that there is 'something going on' out there. Usually activity of this kind is accompanied by a rash of ground sightings in the same geographic area; in this case, as far as is known, there were no other reports and therefore the incident has to be reviewed in isolation, with no other witnesses. The resources normally available when investigating airmisses are pilots' reports, corroborated by radar and RT recordings. Often these will provide all the clues necessary, but in this case there is no 'reported pilot', and radar recordings do not show any unknown contacts. The lack of a radar contact is not necessarily unusual if weather suppressors are in use on the radar, particularly if the object generates a poor radar response. In these conditions the radar can interpret a non-transponding (primary) contact as weather, and therefore disregards it. Enquiries into military activity did not reveal any ac in the area at the time, and it was considered inconceivable that such activity would take place so close to a busy airport without some sort of prior notification. Members put forward other suggestions, such as a large model aircraft or a commercially operated remotely controlled craft, such as those which are used for survey or photographic work. Considering the prevailing conditions – darkness, high ground, strong NW wind, and the proximity of a major international airport – the Group felt that this kind of activity, together with the hang glider/microlight theory, could not be regarded as a realistic possibility. As was pointed out by one member, however, the extreme actions of a foolhardy individual cannot be entirely ruled out and there remains, therefore, the possibility that someone, perhaps in a microlight ac (which most accurately fits the shape described), had defied the conditions and got airborne. Further talks with the microlight experts on this idea highlighted its extreme improbability; the strong wind, terrain and darkness would have rendered such a flight almost suicidal.

Having debated the various hypotheses at length the Group concluded that, in the absence of any firm evidence which could identify or explain this object, it was not possible to assess either the cause or the risk by any of the normal criteria applicable to airmiss reports. The incident therefore remains unresolved.

PART C: ASSESSMENT OF RISK AND CAUSE

Degree of Risk: Unassessable

Cause: Unassessable

The National Archives' reference DEFE 24/2042/1

Section 40

[redacted]

Section 40

Section 40

Section 40

Section 40

An Organisation dedicated to the Research & Investigation of Unidentified Flying Objects and the abduction phenomenon.

Section 40

Secretariat (Air Staff)
2a,Room 8245
Ministry of Defence
Whitehall
LONDON
SW1A 2HB

Section 40

1st February 199

Your Ref D/Sec (AS)12/3

Section 40

Dear Section 40

I am writing to you again in reference to the alleged UFO sighting which occured just outside RAF St Mawgan,near Newquay,Cornwall in Febuary 1985 (6th) that I have corresponded with your Department over a number of years now. I first corresponded with Section 40 who was in your position during 1985 when I first began this investigation.

As you are aware I am still not convinced (and I never have been) that there is a "UFO answer" to this case,more that this was some type of aircraft,however we have never been able to fully answer the questions asked by the many witnesses to this case but we are still attempting to do so.

I have recently been in contact with the Embassy of the United States of America (Defense Attache) in Grosvenor Square London who have informed me that there was an air crash there in February 1985.I was in contact with them simply because RAF St Mawgan was a joint UK/American Base at that time and several of the American Air Staff wrote to me confirming that several of them confirmed something unusual occured over RAF St Mawgan on the date of 6th February 1985.This was confirmed from a colleague of mine in the States,when several of the American USAF Staff returned to the States and wrote letters to his UFO Organisation stating that an incident had taken place at RAF St Mawgan on 6th February 1985 and that some wreckage was flown back to the USA in the March of that year,we believe the flight was to a Base in the Nevada Desert.

Because there was no threat to National Security the Ministry of Defence would have not paid much attention to this matter,but could you possibly inform me if there was any recorded information of the air crash which occured there on this date? If so,it would put paid to this case once and for all,enabling me to inform the many witnesses to this event,both in this Country and the USA.

I believe that the Group known as Quest International/UFO magazine are in total disarray with some split between the Directors Section 40 .I am led to believe they have been a nuisance to your Department in the past,and I do know they have fabricated UFO events in the past involving Military exercises (I have proved this!!) and their demise will not be met with sadness by Section 40 maybe we can put our views over more radically now.

I would like to meet you in the future to try and work out a way in which Section 40 can supply data to yourselves when we receive reports of unusual sightings in,as I have stated in earlier correspondance we are not going to the Press in the future,merely working on our own without using the media as an aid to attract attention.

Yours sincerely.

Section 40

The National Archives' reference DEFE 24/2042/1

Classification

Caveat

Covering

F Sigs 9
(Rev 8/

Facsimile Transmission Cover Sheet

Transmission Details		Document Details
Serial Number:	Date and Time of Transmission: 1 MAR	Reference:
From: SEC(AS)2	Fax Number: Section 40	Subject: 'UFO' QUERY
To: COL Section 40 Section 40 ASSISTANT AIR ATTACHE	Fax Number: Section 40	Total number of pages including this cover sheet: 2

Authorizing Officer	Transmit Operators
Rank, Name and Appointment: EO Section 40	Rank/Grade, Name and Telephone No.: AO Section 40
Signature: Section 40	Signature: Section 40

Message/Remarks:

Section 40

As discussed.

Section 40

Covering

Caveat

The National Archives' reference DEFE 24/2042/1

** TX CONFIRMATION REPORT ** AS OF 1 MAR '96 12:17 PAGE.01

SEC (AS)

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
01 3/ 1	12:16	30	EC--S	01'09	02	OK

Section 40

An Organisation dedicated to the Research & Investigation of Unidentified Flying Objects and the abduction phenomenon.

Section 40

1st February 1996

Section 40

64/3

Secretariat (Air Staff)
2a,Room 8245
Ministry of Defence
Whitehall
LONDON
SW1A 2HB

Your Ref D/Sec (AS)12/3

Dear Section 40

I am writing to you again in reference to the alleged UFO sighting which occured just outside RAF St Mawgan,near Newquay,Cornwall in Febuary 1985 (6th) that I have corresponded with your Department over a number of years now. I first corresponded with Section 40 who was in your position during 1985 when I first began this investigation.

As you are aware I am still not convinced (and I never have been) that there is a "UFO answer" to this case,more that this was some type of aircraft,however we have never been able to fully answer the questions asked by the many witnesses to this case but we are still attempting to do so.

I have recently been in contact with the Embassy of the United States of America (Defense Attache) in Grosvenor Square London who have informed me that there was an air crash there in February 1985.I was in contact with them simply because RAF St Mawgan was a joint UK/American Base at that time and several of the American Air Staff wrote to me confirming that several of them confirmed something unusual occured over RAF St Mawgan on the date of 6th February 1985.This was confirmed from a colleague of mine in the States,when several of the American USAF Staff returned to the States and wrote letters to his UFO Organisation stating that an incident had taken place at RAF St Mawgan on 6th February 1985 and that some wreckage was flown back to the USA in the March of that year,we believe the flight was to a Base in the Nevada Desert.

Because there was no threat to National Security the Ministry of Defence would have not paid much attention to this matter,but could you possibly inform me if there was any recorded information of the air crash which occured there on this date? If so,it would put paid to this case once and for all,enabling me to inform the many witnesses to this event both in this Country and the USA.

I believe that the Group known as Quest International/UFO magazine are in total disarray with some split between the Directors Section 40 .I am led to believe they have been a nuisance to your Department in the past,and I do know they have fabricated UFO events in the past involving Military exercises (I have proved this!!) and their demise will not be met with sadness by Section 40 maybe we can put our views over more radically now.

I would like to meet you in the future to try and work out a way in which Section 40 can supply data to yourselves when we receive reports of unusual sightings in.as I have stated in earlier correspondance we are not going to the Press in the future,merely working on our own without using the media as an aid to attract attention.

Yours sincerely.

Section 40

The National Archives' reference DEFE 24/2042/1

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

Telephone (Direct Dialling) 0171 218 **2140**
(Switchboard) 0171 218 9000
(Fax)

I+S

Section 40

Your reference

Our reference
D/Sec(AS)/64/3
Date
5 January 1996

Dear Section 40

1. Thank you for your letter of 10 December enclosing a one from you dated 19 October which you believed had been forwarded to me by Section 40 Section 40 In his letter to me of 23 October, Section 40 mentions that you copied your 19 October letter to him. He appeared to be under the impression you had sent that letter directly to this office yourself.

2. Notwithstanding the above you are, I know, aware that the Ministry of Defence has a very limited role with respect to the subject of "unexplained" aerial sightings. We look at reports of "unexplained" aerial sightings, in consultation with air defence experts as required, to determine whether there is any evidence of a matter which might be of defence concern. If there is no such evidence we have no further role, and we do not seek to determine the precise identity of every seemingly inexplicable sight the sky. To date the MOD is not aware of any information which supports the existence of extraterrestrial phenomena and no threat to the UK has been discerned which has been attributed to a "UFO".

3. Sec(AS)2a is a secretariat branch which works closely with the RAF on a wide variety of issues. We provide administrative support for RAF activities and operations. Sec(AS)2a is, amongst other things, the MOD focal point for the subject of "unexplained" aerial sightings, but we most certainly are not a "UFO" office/information bureau. There are no staff which work on this subject full time and we look at reports as part of our much wider ranging secretariat duties. We have no direct interest, expertise or role with respect to "UFO/flying saucer" matters, and I am afraid it is not part of our remit, nor are we resourced, to assist organisations with "UFO research".

4. However, if you become aware of evidence of something which might represent a matter of *defence* concern, then of course we would welcome sight of that evidence.

The National Archives' reference DEFE 24/2042/1

5. In response to your question in paragraph 3 of your letter of 10 December, I can confirm that the MOD did not receive any reports of "unexplained" aerial sightings during September 1994 from the Llangollen/Corwen area.

Yours sincerely

Section 40

[redacted]

Section 40

Tel Section 40
Fax as above
Mobile Section 40

10th December 1995

Dear Section 40

Please find enclosed copy of my letter to you in October of this year.It should have been enclosed with a letter from Section 40 of BRISTOL whom I correlate data with.

I do realise your Department does not have any role specifically for the investigation of UFO's,and I would be very content with our Organisation forwarding you up to date information we receive.I must re-iterate that Section 40 will not be going to the Press in the future because it gets us nowhere and we are mis-quoted by them.

Would it be possible for you to supply me with any information on reports you have received from the Llangollen/Corwen areas of North Wales areas between the month of September 1994 as we have received many reports of sightings from this area during that time.

I look forward to hearing from you in due course,and if I do not speak to you before,may I wish you a Merry Christmas and Happy New Year,

Yours sincerely

Section 40

MINISTRY OF DEFENCE
DEC A3(2)
19 DEC 1995
64/3

Section 40 [redacted] U.K.

An Organisation dedicated to the investigation of Unidentified Flying Objects (U.F.O's)
Director Section 40 [redacted] *Co-Director* Section 40 [redacted]

Section 40 [redacted]
Secretariat (Air Staff)2a
Room 8245
Main Building
Whitehall
LONDON
SW1A 2HB

19th October 1995

Dear Section 40 [redacted]

1. I am writing as Director of the above Organisation who investigate UFO sightings throughout the Country.I have been investigating this phenomenon for twenty years and have no direct theories on what Unidentified Aerial Phenomenon are.

2 Section 40 [redacted] are a small UFO Investigation Group consisting of 30 members who meet once every two weeks,we also produce a magazine titled Section 40 [redacted] which is exchanged with other Groups and a small band of subscribers Section 40 [redacted] looks at the UFO phenomenon in a constructive and positive manner and we are open to suggestion and criticism.
Because we produce and publish Section 40 [redacted] we have no desire to approach any of the Press Agencies,which as you are aware has caused friction between ourselves and yourselves in the past,I am referring to Section 40 [redacted] letter to me dated 19th December 1994 when the Sunday People stated comments from myself about the MOD which were totally untrue.You will note that we have not contacted the Press since then and have no desire to in the future.

3.Because of our meetings Section 40 [redacted] hear about activities of other more prominent UFO Groups in the Country,about what is happening media wise and what sightings are being investigated.It is this Issue why I am writing to you today.
At our last night's meeting we heard that,and you will be aware that the Television Programme 'Schofields Quest" featured a video clippage of a 'UFO sighting' which occured over Mansfield three months ago.The programme stated they had written to you asking if there was any Military activity over the area on the date of the sighting,and you replied that none was recorded.Being totally honest this video footage could be filmed in our area any night of the week with Air Traffic coming and going from Manchester Airport!
Infact Section 40 [redacted] had seen this video footage at one of our meetings well over three months ago therefore we doubt the credibility of the data in reference to dates of this film footage as it stated on the programme the sighting occured three months ago!

4.One of our members stated last night that the programme series 'Schofields Quest' is intent on causing the Ministry of Defence embarrasment over UFO sightings in this Country,this Section 40 [redacted] feel is very damaging to UFO groups like ourselves because we want to establish a rapport with yourselves in terms of discussing sightings we investigate.
What we would like to propose is that we forward you full details of the sightings we investigate which we cannot identify,these are few so we would not be wasting your time.

5.My colleague Section 40 [redacted] from Bristol will be enclosing a letter similarly to this, Section 40 [redacted] is a prominent member of Section 40 [redacted] and has been involved with investigating Unidentified Aerial Phenomenon for many years and has a good insight to the workings of the Ministry of Defence,having worked with Air Vice Marshall Sir Victor Goddard,Deputy Director of RAF

Intelligence.

6.We would welcome your views on the contents of this letter and we will assist in any way that we can with the Ministry of Defence on matters pertaining to this subject.And we do guarantee not to contact any media sources about our research work and results.

Both myself and Section 40 look forward to hearing from you in the future.

Thank you for your co-operation in the past.

Yours sincerely

Section 40

Section 40
Director
Section 40