



Ministry  
of Defence

Ministry of Defence  
Main Building  
Whitehall  
London SW1A 2HB  
United Kingdom

Ref: FOI2021/13886

E-mail: tog-foiandpq@mod.gov.uk

Iain Overton  
request-806250-  
8464f2fc@whatdotheyknow.com

03 October 2022

Dear Iain Overton,

Thank you for your email of 12 November requesting the following information:

*“On the 17 June, 2021, the former Parliamentary Under Secretary of State (Minister for Defence People and Veterans), Mr Johnny Mercer appeared on a Youtube video on Conservative Home.*

*In response to a question at minute 40*

*(<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Ds7JdCgl4xps&data=04%7C01%7Ccio-foi%40mod.gov.uk%7C147a98e2f66f43b0d4ce08d9a61ea68f%7Cbe7760ed5953484bae95d0a16dfa09e5%7C0%7C1%7C637723472839274462%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000&sdata=kSeTKEsyDSjOzbC%2F5Me5gFT010jBe%2Feh4bTztZS%2F6xc%3D&reserved=0>) where Mr Mercer was asked if he was of the view that we know everything about what was 'done wrong' by British Forces in Afghanistan and Iraq, Mr Mercer replied:*

*"I have to be really careful here. No, we don't know what happened. And I formally wrote to the Secretary of State on my position on this subject. He knows that and he makes his own decisions."*

*Can I please ask for a search for any correspondence between the former Parliamentary Under Secretary of State (Minister for Defence People and Veterans) and the Secretary of State for Defence in relation to potential wrongdoings by British troops in either Iraq and Afghanistan and be supplied with both Mr Mercer's letter and the Secretary of State's reply?"*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

I apologise for the delay in handling your request.

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held.

The information you have requested falls entirely within the scope of the qualified exemptions provided for at sections 35 (Formulation of Government Policy) of the FOIA and has been withheld.

### **Section 35 (Formulation of Government Policy)**

Section 35 is a qualified exemption and subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

We have withheld the information in scope under Section 35(1)(b) because while disclosure would show the collaborative work between Ministers in making decisions in government, it would also undermine effective ministerial decisions relating to key policy making. The balance of public interest lies in withholding the information because it would likely affect deliberations at the core of government

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact us in the first instance at the address above. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

Top Office Group FOI and PQ Team