



Ref: FOI2021-015

[REDACTED]
25th November 2021

Dear

Further to our email of 4 October 2021, regarding your request for information:

- *Please inform me whether the instruction ordering the five NG Bailey workers to leave the AWE site was issued by the Atomic Weapons Establishment.*
- *Please advise me of the reason the NG Bailey staff were instructed to leave the AWE site.*
- *Please provide copies of all correspondence (including emails) between AWE and Costain and NG Bailey relating to removal from the AWE site of the NG Bailey staff members.*
- *Please confirm whether AWE subscribes to services provided by the Consulting Association, or to any other private sector organisation which purports to provide vetting of potential employees.*
- *Please confirm whether AWE provides information to the Consulting Association, or to any other private sector organisation which purports to provide vetting of potential employees.*

Your request has been handled as a request for information under the Freedom of Information Act 2000.

A search for the requested information within the Atomic Weapons Establishment (AWE) has now been completed, and we can confirm that information in scope of your request is held.

We are able to disclose some of the information that you requested, as follows:

- *Please confirm whether AWE subscribes to services provided by the Consulting Association, or to any other private sector organisation which purports to provide vetting of potential employees.*

‘Vetting’ has a distinct definition at AWE, it is understood to refer to *security vetting*, which is how the question was interpreted when providing a response. We can confirm that AWE holds no information regarding and does not subscribe to The Consulting Association. AWE subscribes to services from uCheck for Disclosure and Barring Service (DBS) checks.

- *Please confirm whether AWE provides information to the Consulting Association, or to any other private sector organisation which purports to provide vetting of potential employees.*

Again, ‘vetting’ was interpreted as *security vetting*. We can confirm that AWE holds no information regarding and does not provide information to The Consulting Association. AWE provides information to uCheck for Disclosure and Barring Service (DBS) checks.



We can also confirm that AWE holds the information that you requested concerning the first three parts of your request:

- *Please inform me whether the instruction ordering the five NG Bailey workers to leave the AWE site was issued by the Atomic Weapons Establishment.*
- *Please advise me of the reason the NG Bailey staff were instructed to leave the AWE site.*
- *Please provide copies of all correspondence (including emails) between AWE and Costain and NG Bailey relating to removal from the AWE site of the NG Bailey staff members*

However, after careful consideration we have decided that this information is exempt from disclosure under sections 40 and 43(2) of the Freedom of Information Act 2000.

Some of the information you have requested is exempt from disclosure under section 40(2) of the FOI Act. Although information on this subject has been made available on the internet via various news websites, we consider that were we to release the information you have requested, the individuals involved would become personally identifiable. The Atomic Weapons Establishment (AWE) are obliged to comply with the Data Protection Act 2018 and UK GDPR and as such are prohibited from disclosing personal data to third parties where doing so would breach the data protection principles set out in the UK GDPR. Section 40(2) is an absolute exemption and as such does not require a Public Interest Test to be carried out.

Section 43(2) of the Act states that information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). These are qualified exemptions and are subject to a Public Interest Test (PIT) which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure. A PIT has been conducted and we have concluded that the information should be withheld in full.

In favour of release, there is public interest in demonstrating clear openness, transparency and accountability of a public body. However, in this case, we have concluded that the public interest favours withholding the information, as the requested information relates to decisions made in administering the contract between Costain and AWE. Failure to take such decisions would severely impact their ability to properly fulfil their obligations under the contract, which would affect their relationship with the Trade Unions and ultimately be prejudicial to the contractor's commercial interests. As the information requested concerns industrial relations, consideration has also been given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain or possibly released at a future date.

If you have any queries regarding the content of this letter, please contact this office in the first instance, remembering to quote the reference number above.

If you are unhappy with the way your request has been handled you have a right to request an internal review within 40 days of receiving this letter, by writing to information.requests@awe.co.uk or our postal address: Information Requests Team, AWE Aldermaston, Reading, RG7 4PR. If you are still unhappy after an internal review has been completed, under the provisions of Section 50 of the Freedom of Information Act 2000 you have the right to take your complaint to the Information Commissioner's Office. Please note the



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Commissioner will generally not consider a complaint until you have exhausted AWE's internal complaints process.

Yours sincerely,

AWE Information Requests Team

