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MOD Head Office  
MOD Main Building  
Whitehall  
London  
SW1A 2HB

Ref: FOI2024/07274

Mr P Miller

10 July 2024

Dear Mr. Miller,

Thank you for your email on 7 May 2024 requesting the following information:

*Under the FOIA 2000, please disclose video footage of Gaza recorded by the RAF's Shadow R1 [RR7145] on 1 April 2024.*

*This flight is listed online at <https://www.radarbox.com/data/flights/RR7145/2132367178>*

*There is strong public interest in disclosing any of this footage that relates to (a) the IDF drone strikes which killed British aid workers John Chapman, James Kirby and Jim Henderson in the vicinity of Deir al-Balah; (b) disproportionate damage to civilian infrastructure especially hospitals. Where footage pertains to national security matters such as location of hostages I anticipate those portions would be censored.*

*In any event, please confirm that the footage from 1 April has been saved and not wiped.*

We apologise for the delay in responding to your request. We are treating your correspondence as a request for information under the Freedom of Information Act (FOI) 2000.

A search for the information within the Ministry of Defence has been completed and I can confirm that video footage of Gaza from the Shadow R1 flight on 1 April is held. Under Section 16 (advice and assistance) we would like to bring to your attention the Written Ministerial Statement laid in Parliament on 5 December 2023 by the previous Secretary of State for Defence which stated that surveillance aircraft are tasked solely to locate hostages. The statement is available here: <https://questions-statements.parliament.uk/written-statements/detail/2023-12-05/hcws90>.

The information that is held falls within the scope of the Section 26 (Defence) exemption and may also be exempt from disclosure under Section 23 (Security Bodies) or Section 24 (National Security).

**S26 (Defence)**

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Section 26(1)(b) has been applied to information in scope of your request because it contains information that, if released, would be likely to prejudice the capability, effectiveness or security of any relevant forces. A Public Interest Test was conducted as part of your request, and it was found that the public interest strongly lies in withholding the information. While providing footage from this surveillance flight would provide transparency of Defence activity, releasing the information would likely provide our adversaries with a better understanding of sensitive UK military operations, which could in turn prejudice the effectiveness of UK forces and UK military capabilities.

**S23 (Bodies Dealing with Security Matters) & S24 (National Security)**

The information could be exempt under Section 23(1) of the Act, which relates to the bodies dealing with security matters, although it is also possible that the information relates to none of the bodies dealing with security matters. Sections 23(1) and 24(1) are being cited in the alternative as it is not appropriate, in the circumstances of the case, to say which of the two exemptions is actually engaged so as not to undermine national security or reveal the extent of any involvement, or not, of the bodies dealing with security matters.

Section 23 is an absolute exemption and, if it were engaged in this material, the MOD would not be required to consider whether the public interest favours disclosure of this information. Any information that is not exempt from disclosure under Section 23(1) could be exempt under Section 24(1) of the FOI Act, which exempts information from disclosure if its exemption is required for the purpose of safeguarding national security. We cannot say which of the two exemptions are actually engaged, but insofar as Section 24(1) might be engaged. Section 24(1) of the Act is a qualified exemption which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure. For the same reasons as explained above the information requested would prejudice the effectiveness of UK forces and therefore S24(1) has been applied.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request 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.gov.uk](mailto:CIO-FOI-IR@mod.gov.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly 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. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

**Ministry of Defence**

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