

20070918 U MINSUB UFO FILES

18 Sep 2007

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Through DAS AD (Secretariat)

RELEASE OF UNIDENTIFIED FLYING OBJECT (UFO) AND AERIAL PHENOMENA (UAP) FILES

Issue

1. Proactive transfer to the National Archives of MOD files related to UFOs and UAPs.

Recommendation

2. That the Minister:
 - a. approves the transfer of UFO and UAP files held by DAS and DIS to the National Archives progressively over the next three years;
 - b. agrees that a formal press announcement should be made at the time the first files are transferred, planned to be in Spring 2008 .

Timing

3. Routine.

Background

4. Since the end of WW2, MOD has been tasked with recording and, from time to time, investigating UFO sightings. Contrary to what many members of the public may believe, MOD has no interest in the subject of extraterrestrial life forms visiting the UK, only in ensuring the integrity and security of UK airspace.

5. DAS and DIS have some 160 files that deal with the subject of UFOs dating back to the 1970s. Of these, the majority contain correspondence with members of the public, with the next largest category being sighting reports. The remainder comprise PQ and Policy files and a small number of files that cover peripheral subjects. The majority of the information held on the 27 DIS files is likely to duplicate that held by DAS. DAS also holds a considerable number of files covering FOI requests and responses on the subject of UFOs which will also need to be released. In total over the course of the proposed three year programme, some 180 existing files will be released, with a further 20 new files being created over the same period, also requiring release at a future date

6. The files held by DAS and DIS are of keen interest to a large worldwide group of amateur and professional "ufologists". As a result, MOD receives a large number of, often complex, FOI requests each year for information regarding UFOs (DAS alone receiving 199 in 2005, 140 in 2006 and 120 to date in 2007).

7. DIS has already made a written commitment to review its files for release in a response to an FOI request from an academic researcher. This, and the decision by the French National Centre for Space Studies to release their UFO files earlier this year, has increased the, already significant, press and internet speculation that we are about to release our own.

Benefits from publication

8. In addition to the clear presentational benefits in meeting public demand and expectation, release of the files would also smooth the workload on DIS and DAS. The processing of FOI requests on the subject of UFOs is becoming increasingly costly and time consuming, especially if the Department's responses are challenged. The piecemeal release of information also fuels unhelpful speculation from those who believe there are issues that MOD are trying to hide. It is expected that within relatively few years, FOI requests on the subject will require the MOD to release virtually all its UFO files and it is considered beneficial that the release be managed in a structured manner.

9. It is not expected that the volume of requests about UFOs will significantly reduce (indeed, in the short term, press coverage and the early release of some of these files may lead to an increase). However, section 22 of the FOI Act exempts from release information which public authorities have a "view to publication" at a future date. By making a clear commitment to publish these files, DAS and DIS can therefore stop responding reactively to requests as they are received and instead manage their effort in a more organised manner. Whilst the time scale over which we can claim exemption under s.22 has not yet been tested, it is believed that invoking the exemption on the basis that we will publish information sometime within the next three years would be outside the spirit of the Freedom of Information legislation and would therefore pose presentational difficulties. Instead it is considered that use of this exemption should be limited to those instances when it is

planned to release the relevant information within a 12 month period. This inevitably means that MOD will have to continue to release some material in response to FOI requests but the requirement to provide information will reduce as documents are placed in the public domain

Mechanism of release

10. In order to maximise the presentational benefit, it would be preferable to publish the files on the internet using the MOD publication scheme. However, some 40% of the information in the files is correspondence from the public. This material is subject to the Copyright Designs and Patents Act (CDPA) 1988, which prohibits its publication on the internet. Publication of only the remainder of the information, not protected by copyright, would fuel accusations of a "cover-up" and undermine our presentational objectives.

11. It should be noted that the MoD has already placed two redacted files on the publication scheme together with a small number of non MoD documents. Although this move has been greeted with approval from ufologists, it may be never the less be necessary to remove them in order to comply with copyright obligations.

12. The alternative proposed is to transfer the files to The National Archives (TNA). [REDACTED]

[REDACTED] There is a specific exemption in the CDPA which provides for public records transferred to The National Archives to be copied, including in respect of material that might otherwise be copyright protected. [REDACTED]

13. Taking this approach, MOD could refuse specific requests under section 22 of the FOI Act for information on files due to be transferred to TNA in the next 12 month period. This would assist in managing the release of files in a structured manner. It is unusual for files to be transferred to TNA so far in advance of the usual 30-year review point. However, it is assessed that the high level of public interest and lack of sensitive material in the files means that no precedent is set by their early release. Corporate Memory and TNA are content with our transfer plan. Although 'publication' of the files to TNA does not provide the flexibility of using our own website, doing so still largely delivers the benefits set out above. However, it is important to note that unlike existing MoD practice, TNA will impose a charge of £3.50 to view or download each file, though members of the public would be able to visit the archives at Kew and view the files without charge.

14. The majority of the files are of low security classification but include references to air defence matters, defence technology, relations with foreign powers and occasional uncomplimentary comments by staff or police officers about members of the public, which will need to be withheld in accordance

with FOI principles. In particular, the PQ files will require considerable work before they can be transferred as they contain background notes for Ministers, but there is no reason, in principle, why they cannot be released and, indeed, a small number of background notes for PQs have already been released under FOI. The MoD is aware of no clear evidence to prove or disprove the existence of aliens and consequently the files are considerably less exciting than the "industry" surrounding the UFO phenomena would like to believe.

Preparation for Transfer

15. The most cost effective solution is to scan the files (~£13K), and purchase specialised redaction software (£3K). It is estimated that with current staffing levels, it will take approximately three years to complete, with the release conducted around the continuing normal duties of both branches and Corporate Memory. It is planned that files covering a complete year will be released on a rolling programme, in year order, with the oldest files being reviewed for release first. It is expected that on average, it will be possible to prepare for release a year's files roughly every two months. DAS files up to and including 1984 have already been passed to TNA, which will mean that the first few files to be released will be from DIS, which holds files back to the 1970s. Files will be transferred in chronological order with the aim of those covering 1979-92 being released in 2008, 1992-2000 in 2009 and 2001 onwards in 2010.

16. Once a schedule of redactions has been prepared, it will need to be agreed by the Lord Chancellor's Advisory Council on Public Records and Archives before the files can be transferred to The National Archives. The next meeting of the Advisory Council where this issue can be considered will be February 2008. There is no reason why the Advisory Council should not agree to any redactions proposed, but even after agreement is reached it will take The National Archives a short period of time to process the files transferred and make them available to the public. The first files should therefore be available to the public by spring next year.

Presentation

17. Press Office receive weekly calls from the media about UFOs – either reporting sightings or asking when if we are releasing papers. Subsequently, any announcement of a more general release of files is likely to attract a great deal of interest from the press and general public. There is a risk that media will overplay the MOD's involvement in these cases, therefore we will need to manage our message and be prepared to deal with a high level of media interest. There is also likely to be frustration that people who want to view files at the TNA will be charged.

18. Press Office advice is that a Ministerial decision to release the files is not newsworthy in itself. It is therefore proposed that D News will draw up a handling plan, in liaison with TNA, closer to the time.

(signed on DII)

[REDACTED]

DAS FOI

MB [REDACTED]

AUTHORISED BY: [REDACTED]

TEL: [REDACTED]

GRADE/RANK: B2

BRANCH: DAS AD (Secretariat)

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D/MSU/2/9/is

25 September 2007

DAS FOI – [REDACTED]

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RELEASE OF UNIDENTIFIED FLYING OBJECT (UFO) AND AERIAL PHENOMENA (UAP) FILES

1. Thank you for your submission seeking Ministerial approval for the transfer of the DAS and DIS UFO files to the National Archive.
2. The Minister approves this transfer and that a formal press announcement should be made when the first files are transferred, in Spring 2008.

Original signed

[REDACTED]
APS/USofS
MB Floor [REDACTED]
USofS-Private Office