

1990 Calvin UFO incident

FOI request reference: CAS-66677-Q1R4R1

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Request

In October, The Scottish Sun reported that MoD files relating to the August 1990 Calvin UFO incident, which should have been released as per the "30 year rule", were blocked for release by the Ministry of Defence until 2072.

<https://www.thescottishsun.co.uk/news/6143168/ufo-aliens-sighting-calvine-scotland-highlands-picture/>
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Q1: Did MoD transfer this dossier to The National Archive?

Q2: Was it just the dossier, or were supplementary materials included? (eg. the 6 color photographs)

Q3: Are these files marked as classified, or somehow FoIA exempt? If so, what is the specific reason/exemption given?

Q4: Is it normal for files to be delayed 50+ years? Have you, the person replying to this request, ever seen this happen?

Q5: Is The Scottish Sun's claim that you are actively withholding these files accurate? If so, who gave you this right?

Outcome

Information provided.

Response

Q1: *Did MoD transfer this dossier to The National Archive?*

We understand this query to relate to file DEFE 24/1940, a record which was transferred to us from the originating department, the Ministry of Defence.

Q2: *Was it just the dossier, or were supplementary materials included? (eg. the 6 color photographs)*

As noted on [our catalogue \(https://eur01.safelinks.protection.outlook.com/?](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdiscovery.nationalarchives.gov.uk%2Fdetails%2Fr%2FC11483085&data=04%7C01%7CTony.Lewis522%40mod.gov.uk%7C)

[url=https%3A%2F%2Fdiscovery.nationalarchives.gov.uk%2Fdetails%2Fr%2FC11483085&data=04%7C01%7CTony.Lewis522%40mod.gov.uk%7C](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdiscovery.nationalarchives.gov.uk%2Fdetails%2Fr%2FC11483085&data=04%7C01%7CTony.Lewis522%40mod.gov.uk%7C) the full contents of DEFE 24/1940 are closed until 01 January 2076. A redacted version of the file is open and available to download from our catalogue [here \(http://discovery.nationalarchives.gov.uk/details/download?](http://discovery.nationalarchives.gov.uk/details/download?iaid=C10130124&reference=DEFE%2024%2F1940%2F1&token=637477720873607858&batchId=15970&edocId=7967363)

[iaid=C10130124&reference=DEFE%2024%2F1940%2F1&token=637477720873607858&batchId=15970&edocId=7967363](http://discovery.nationalarchives.gov.uk/details/download?iaid=C10130124&reference=DEFE%2024%2F1940%2F1&token=637477720873607858&batchId=15970&edocId=7967363)). There are three folios within this file that relate to the incident in question (pages 35-37 of part 2). There are no photographs contained in the file. The file itself states that the original negatives were returned to the Scottish Daily Record.

Q3: *Are these files marked as classified, or somehow FoIA exempt? If so, what is the specific reason/exemption given?*

The redactions you will see in the open version all cover personal information (names and addresses) of members of the public who wrote to the Ministry of Defence reporting UFO sightings and also the names of the Ministry of Defence staff who investigated these reports. These details are exempt from release under section 40 (2) (personal data) of the FOI Act. Further information on section 40 is provided in the explanatory annex below.

Q4: *Is it normal for files to be delayed 50+ years? Have you, the person replying to this request, ever seen this happen?*

It is usual for material exempt under section 40(2) to be closed for the lifetime of the subject, which is assumed to be 100 years from subject's date of birth. Closure dates therefore are dependant on the age of the individual whose details are given, and duration of the closure could well be over 50 years.

Q5: *Is The Scottish Sun's claim that you are actively withholding these files accurate? If so, who gave you this right?*

As explained above, the only closed information within this file is personal information exempt under s40(2) of the FOI Act. The remainder of the file is open and available to download.

EXPLANATORY ANNEX

Exemptions applied.

Section 40(2): Personal Information where the applicant is not the data subject

The Data Protection Legislation prevents personal information from release if it would be unfair or at odds with the reason why it was collected, or where the subject had officially served notice that releasing it would cause them damage or distress.

Further guidance can be found at:

http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf

(http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf)