



12 September 2018

Valerie Morse  
<fyi-request-8225-77685736@requests.fyi.org.nz>

Dear Ms Morse

## **OFFICIAL INFORMATION ACT REQUEST: ISRAELI COMPANIES**

Thank you for your email of 4 July 2018, in which you requested, pursuant to the Official Information Act 1982 (the Act):

*“...all information or communications you hold on Israeli weapons companies: Elbit Systems, Israel Aerospace Industries, Israel Military Industries Ltd, Israel Weapon Industries and RAFAEL for the period 2013-2018”.*

You had previously requested on 12 May 2018 all information or communications regarding these companies. On 7 June, I wrote to you suggesting you narrow the scope of your request due to the unspecified timeframe. On 12 June, you replied seeking all information for the period of 2008 to 2018. We declined your request under section 18(f) of the Act as the information requested could not be made available without substantial collation or research.

On 1 August 2018, we wrote to you advising that responding to your revised request of 4 July would still require searching a large number of files and that a significant amount of information will need to be considered and collated. Therefore, we extended the time for providing this information to 12 September 2018.

Having completed an extensive search of our files, I can now confirm that the Ministry of Defence holds no information or communications relating to Israel Military Industries Ltd and Israel Weapon Industries for the period 2013-2018.

The Ministry of Defence does, however, hold information or communications on Elbit Systems, Israel Aerospace Industries, and RAFAEL for the period 2013-2018. Listed below is a summary by company and project, and includes a description of the information and/or communications held.

*Elbit Systems*

Project	Number of documents held	Description
Pilot Training Capability	37	<ul style="list-style-type: none"> <li>• Response to a Request for Tender for the supply of a Pilot Training Capability.</li> </ul>
Frigate Systems Upgrade	51	<ul style="list-style-type: none"> <li>• Response to a Request for Tender for the ANZAC Frigate System Upgrade Electronic Support Measures.</li> <li>• Information relating to the Electronic Support Measures.</li> </ul>
Littoral Warfare Systems	8	<ul style="list-style-type: none"> <li>• Response to a Request for Information on Littoral Warfare Systems (Diving and hydrography).</li> </ul>
Maritime Helicopter Capability	2	<ul style="list-style-type: none"> <li>• End Use/User Certificate Naval Electronic Support Measure.</li> <li>• Technical Training</li> </ul>
Fixed High Frequency Radio Refresh	2	<ul style="list-style-type: none"> <li>• Response to a Request for Information on the Strategic Bearer Network Project: Phase 2 (Fixed High Frequency Radio Refresh).</li> </ul>
ANZAC Communications Upgrade Project	3	<ul style="list-style-type: none"> <li>• Response to a Request for Information on the ANZAC Communications Upgrade Project.</li> </ul>

*Israel Aerospace Industries*

Project	Number of documents held	Description
Future Air Surveillance Capability	14	<ul style="list-style-type: none"> <li>• Response to a Request for Information on the Future Air Surveillance Capability Project.</li> <li>• Brief on the Advanced Air Situation Generation Solution.</li> </ul>

*RAFAEL*

Project	Number of documents held	Description
Maritime Sustainment Capability	24	<ul style="list-style-type: none"> <li>• Information relating to the Typhoon Weapon System.</li> </ul>
Frigate Systems Upgrade	1	<ul style="list-style-type: none"> <li>• Letter in relation to the Request for Tenders for the Frigate System Upgrade Project.</li> </ul>
Protected Mobility Capability Project	2	<ul style="list-style-type: none"> <li>• Response to Request for Information on the Protected Mobility Capability Project.</li> <li>• Visit report.</li> </ul>
Protector Remediation	8	<ul style="list-style-type: none"> <li>• Documents relating to the supply of the Typhoon Mk-25 II Stabilised Weapon System and Toplite Electro Optical Director and Alliant Techsystems.</li> </ul>

As indicated in the tables above, many of the documents in the scope of your request are part of the process of completing a Request for Information (RFI) or a Request for Tender (RFT). An RFI is made during the early capability definition phase of a project. RFIs are used to collect

written information from suppliers regarding the capabilities of products, systems, and/or services, including Rough Order Magnitude Costs. RFIs put out by the Ministry of Defence are publicly available on the Government's Electronic Tender Site (GETS).

An RFT is a formal, structured invitation to suppliers to submit a bid to supply a product, system, and/or service. The resulting process would normally conclude with the identification of a preferred supplier or suppliers. RFTs put out by the Ministry of Defence are also publicly available on GETS.

While RFIs and RFTs are publicly available on GETS, the information provided by suppliers is commercially sensitive and is given to the Ministry of Defence on the basis of it being commercial in confidence. Releasing it would undermine the willingness of suppliers to provide that information, and would prejudice the Ministry of Defence's ability to carry out commercial activities. It would also prejudice or disadvantage commercial negotiations. Therefore, access to this information is declined under sections 9(2)(ba)(i) and 9(2)(i) of the Act. Where that information has been supplied by the Government of another country access is refused under section 6(b)(i).

Those documents which can be released are listed below. Where information is withheld under the Act the reason for doing so is also listed.

• Elbit Systems	ANZAC Frigate Systems Upgrade – Electronic Support Measures Tender Response (8 August 2013)	9(2)(a)
	RNZAF Personnel Attending Technical Training Courses in Israel (30 September 2015)	9(2)(a) 6(a)
	Response Receipt (20 March 2015)	9(2)(a)
	Littoral Warfare Systems Project (3 April 2017)	9(2)(a)
• Israel Aerospace Industries	Response Receipt (17 October 2016)	9(2)(a)
	Future Air Surveillance Capability – Request for Information (21 December 2016)	9(2)(a)
	Future Air Surveillance Capability – Request for Information (19 January 2017)	9(2)(a)
	Future Air Surveillance Capability – Request for Information (18 July 2017)	9(2)(a)
	Future Air Surveillance Capability – Request for Information (18 July 2018)	9(2)(a)
• RAFAEL	Response Receipt (1 September 2017)	9(2)(a)
	Protected Mobility Capability Project (PMCP) – Request for Information Response (6 September 2017)	9(2)(a)
	Visit Report – 11 – 15 Sept – 17 DSEI London and UK MoD (28 September 2017)	9(2)(a)
	Visit Report – 22/24 Jan 18 – International Armoured Vehicles (IAV) Forum, London, UK (8 February 2018)	9(2)(a)

In addition, there are a number of documents held by the Ministry of Defence on Elbit Systems, Israel Aerospace Industries, and RAFAEL that contain proprietary information which may not be copied, reproduced, disclosed or utilised in any way in whole or in part, without the prior written consent of the suppliers. The Ministry of Defence is seeking approval to release these documents. We apologise that this consultation process is taking longer than anticipated and will forward these documents to you once we have received approval to do so, noting that this might not be forthcoming.

Under section 28(3) of the Act you have the right to request the Ombudsman to investigate and review the above decisions.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'H' and 'Q' followed by a horizontal line.

Helene Quilter  
**Secretary of Defence**