



# Treasury Solicitor's Department

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Our reference: BVFOI/037/15 re Crystal Hephzibah Gardner

## Freedom of Information Act 2000 Request

You asked for the following information from the Treasury Solicitor's Department ("the Department"):

I would appreciate your response to the following:

1. Sufficient justification as to why others received a higher amount than myself.
2. I have not been provided with evidence that any rents were paid into the bank, along with cheques relating to an electricity wayleave agreement which should have been banked. Please advise where these funds went.
3. A copy of the report which was drawn up in August 2013.

Your request will be dealt with by the Bona Vacantia Division ("the Division") under the Freedom of Information Act 2000.

The Division holds all the information that you have requested.

You requested information relating to assets of the estate. I am withholding this information as it is exempt from disclosure under section 31(1)(a) of the Act. Section 31(1)(a) provides that information is exempt from disclosure if that disclosure would, or would be likely to, prejudice the prevention or detection of crime. We believe that disclosure of the requested information to any member of the public would, or would be likely to, help enable the commission of fraud or other criminal activity. In applying the exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information.

There is a strong public interest in ensuring that the Division's activities are conducted in an open, transparent and honest way. However, disclosure of the exempt information could help enable the commission of fraud which would be likely to result in a loss to the public purse. There is a strong public interest in protecting the public purse and it is therefore considered that the public interest in maintaining the exemption in section 31(1)(a) in this case outweighs the public interest in disclosing the information.

I have withheld information, namely the report drawn up in August 2013 and why others received a higher amount than yourself, as it is exempt from disclosure under section 40(2) of the Act. The information is exempt from disclosure because it constitutes the personal data of a living individuals as defined in section 1(1) of the Data Protection Act 1998 and disclosure of the information would be in breach of the data protection principles set out in Schedule 1 of that Act. In particular, disclosure of the information would contravene the first data protection principle, which requires that personal data be processed fairly and lawfully.

I have also withheld this information as it is exempt from disclosure under section 41 of the Act as the Division considers that the information was received in confidence, and that to reveal the information would constitute an actionable breach of the duty of confidence

In considering whether disclosure would be an actionable breach of confidence the Division has considered whether there is a public interest in disclosing the information that would outweigh the public interest in keeping the information confidential.

There is a strong public interest in keeping confidential information that has been disclosed in confidence, and in this case there is no specific reason in favour of disclosure of the information. Disclosure would not protect public safety, nor would it expose wrongdoing such as misfeasance, maladministration, negligence or other iniquity on the part of the Division. In this case the Division considers that the public interest in keeping the information confidential outweighs the public interest in disclosing it.