



Ministry
of Defence

2016-05831

Navy Command FOI Section
Navy Command Headquarters
MP 1-4, Leach Building
Whale Island
PORTSMOUTH
PO2 8BY

Telephone [MOD]: [REDACTED]

Facsimile [MOD]: [REDACTED]

E-mail: [REDACTED]

[REDACTED]
[REDACTED]

27 June 2016

Dear [REDACTED]

Release of Information

Thank you for your correspondence of 3 June 2016 requesting the following information:

'For the period 1st November 2015 to 1st May 2016 (six months), I would like to request the following information:

1. How many complaints have been made by members of the public about the conduct of non commissioned officers of 3 Commando Brigade, 43 Commando Fleet Protection Group (RM), serving at HM Naval Base Clyde?

2. The nature of complaints and what action was taken by the investigative authority? Contained with the information, I would like to know how many complaints were substantiated; how many were unsubstantiated; how many were discontinued; how many were resolved using local resolution or jurisdiction; as well as any other terms of the complaints. I would also like to know what the consequences were for those whose cases were substantiated: how many were dismissed; how many saw formal action taken; how many saw no further action taken?

3. From complaints made by members of the public, were they (the complainants) informed of the conclusion of the investigation?'

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

I can confirm that the Department holds the information that you have requested. Responding to your questions in order:

Q1. How many complaints have been made by members of the public about the conduct of non commissioned officers of 3 Commando Brigade, 43 Commando Fleet Protection Group (RM), serving at HM Naval Base Clyde?

A1. There have been fewer than 5 complaints during the timescale specified.

Q2. The nature of complaints and what action was taken by the investigative authority? Contained with the information, I would like to know how many complaints were substantiated; how many were unsubstantiated; how many were discontinued; how many were resolved using local resolution or jurisdiction; as well as any other terms of the complaints. I would also like to know what the consequences were for those whose cases were substantiated: how many were dismissed; how many saw formal action taken; how many saw no further action taken?

A2. The information requested in question two is considered to be third party data and as such is being withheld under s40(Personal Information) of the Freedom of Information Act 2000.

Section 40(2) applies to personal data relating to third parties. The release of personal information relating to other individuals would contravene the principles of the Data Protection Act 1998, namely Principle 1 – personal data shall be processed fairly and lawfully and not unless certain specified conditions are met, and Principle 2 – personal data shall be obtained and processed only for specified and lawful purposes and not further processed in a manner incompatible with the purposes. In this instance, data has been provided for internal complaints procedures and not with the expectation that it would be made public.

Q3. From complaints made by members of the public, were they (the complainants) informed of the conclusion of the investigation?

A3. The Complainant was informed that the matter would be investigated but was not informed of the conclusion of the investigation because the aspects of the complaint that were relevant to the Service were, as set out in the answer to your question two, data related to third parties in accordance with section 40(2) of the Freedom of Information Act.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 2nd Floor, Zone N, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely

Navy Command Secretariat – FOI Section