



Ministry  
of Defence

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[REDACTED]

24 June 2015

Dear [REDACTED]

Release of Information

Thank you for your correspondence dated 28 May 2015 requesting information on:

*'Any documents and correspondence to or from the Joint Nautical Archaeology Policy Committee (JNAPC) and Robert (Bob) Yorke concerning the HMS Victory shipwreck, the Maritime Heritage Foundation and Odyssey Marine Exploration (January 2014 – Present).'*

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 information within the scope of your request and is enclosed with this response.

However, we believe that some of the information in scope falls within the following qualified exemptions:

- s40(Personal Data),
- s41 (1) (Information Provided in Confidence).

That information has therefore been withheld.

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.

Under s41(1), information is exempt if its disclosure would be an actionable breach of confidence, an action for breach of confidence can be brought to prevent disclosure of commercial, personal and official information of a confidential nature. A public authority will not only be under an obligation of confidence where it has accepted information on the express understanding that it will remain confidential – as is the case in respect of this information. It will also be bound by an obligation of

confidence where the circumstances in which it receives information suggest that the information is to be held confidentially.

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, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto: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