



Treasury Solicitor's Department

Bona Vacantia Division (BVD)
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Our reference: BVFOI/006/14 re Robert McComb

Freedom of Information Act 2000 Request

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

Information about the identity of Robert John McComb.

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

The Division holds some of the information that you have requested.

The documentary information relating to the deceased individual whose estate the Division dealt with is unclear about the true identity of the individual concerned.

The Division holds a birth certificate that relates to Robert John McComb which gives a date of birth of 30 July 1935. It is not clear whether this certificate relates to the deceased individual whose estate the Division dealt with.

We also hold a death certificate for Robert John McComb which gives a date of death of 26 February 2009. While this certificate relates to the deceased individual whose estate the Division dealt with it is not clear whether this certificate relates to the birth certificate with a birth date of 30 July 1935. The evidence that you have provided suggests that it may not do so.

Certificates can be obtained from the local Registrar where the event took place or from the General Registrar Office (GRO), PO Box 2, Southport, Merseyside, PR8 2JD or by telephoning 0845 603 7788. Further details can be obtained from the GRO's website at <https://www.gov.uk/browse/births-deaths-marriages/register-offices>. The information is reasonably accessible to you by other means and is therefore exempt from disclosure under section 21 of the Act. This exemption confers absolute exemption from the requirement to provide information pursuant to section 1(1)(b) of the Act.

On our file we hold a letter written by the deceased in which he explains how he is known as John James O'Hara. The deceased states "my birth certificate is born on 30.7.35...I was not adopted when I was young. The family brought me up gave me their name, so there was no birth certificate for John James O'Hara yours sincerely R McComb".

The Division holds a copy of a birth certificate with a different name, date and place of birth from that shown on the death certificate and has no information to confirm that it relates to the deceased. As this information may relate to a living person, 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 individual 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 withheld certain information from the file relating to the circumstances in which the deceased changed his name 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.

Information is available in large print, audiotape and Braille formats
Please also visit our website: www.gov.uk



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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.

The Division does not hold any further information in relation to your request.