



Ministry
of Defence

Navy Command FOI Section
Navy Command Headquarters
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2014-05025

Telephone [MOD]: [REDACTED]

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[REDACTED]
6 October 2014

Dear [REDACTED]

Release of Information

Thank you for your correspondence dated 21 July 2014 requesting information on the circumstances surrounding the incident involving the Sharks Display team of 705 Naval Air Squadron on 13 June 1977 which resulted in the death of your father and two other Service personnel. Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

Please find enclosed electronic copies of the Board of Inquiry (BOI) and the Air Accident Investigation Unit Report into the above incident. Regrettably, owing to age of the original documents, the quality of the reproduced data particularly in respect of the photographs is not good. We will, therefore, be forwarding you hard copies of the reports as well.

I should point out that, in line with current Departmental policy, this information will also be placed on the mod.gov.uk website at www.gov.uk in due course.

As you will see, some of the information within these reports has been withheld as it is considered to fall within the scope of exemptions at Sections 40(2) and 41(1) (in confidence) of the FOI Act. After careful consideration and for the reasons set out below, it is concluded that there is no obligation under the Act to disclose this information.

The personal information of the individuals involved has been withheld under section 40(2) of the FOI Act (personal data). 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 Section 41 of the Freedom of Information Act (FOIA), information is exempt if it was obtained by the public authority from any other person and the disclosure of it would constitute a breach of confidence, actionable by that or any other person. 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 – in this instance, the medical information of a third party. 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, even where the information is supplied to the public authority by someone other than the person to whom the obligation was originally owed.

On a final note, on the matter of inquests records, I can confirm that the Department does not hold that information. However, I can confirm that a Coroner's Inquest was held at the Guildhall, Penzance on 4 October 1977. If you wish to obtain a copy of this inquest report, may I suggest you contact the Cornwall Coroner's Service at the following address who may be able to assist you in this matter:

The New Lodge,
Newquay Road,
Penmount,
Truro TR4 9AA

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, 1st Floor, 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.gov.uk>.

Yours sincerely

A solid black horizontal bar used to redact the signature of the sender.