



Treasury
Solicitor's
Department

Bona Vacantia Division (BVD)
PO Box 70165
London
WC1A 9HG

T +44 (0)20 7210 4700
F +44 (0)20 7210 3104

DX: 123240 KINGSWAY

www.gov.uk

Our reference: BVFOI/004/15 re Jocelyn Banks

Freedom of Information Act 2000 Request

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

"I would like to apply to see all of the information you hold in your case file for the estate of Jocelyn Banks...referred to you in September 2014. I understand that you are unable to provide any information about the value of estate due to the risk of fraud, so appreciate that this will not be included.

My particular interest is in understanding how Jocelyn's estate came to the attention of the genealogist who has identified an accepted family member (i.e. did Bona Vacantia refer the estate themselves, and if so, when, and if this part of a standard process). In addition, I would like to know if the work of the genealogist in identifying this family member uncovered any information about Jocelyn's mother in law, including her full name and date of death."

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

I have interpreted your request to mean that you require any genealogical information including the particular information requested.

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

I have withheld information provided to us by the genealogist 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 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.

Additionally the information 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.

The Division holds no information as to how the estate came to the attention of the genealogist. We do not instruct or refer estates to genealogists, however it is standard practice to advertise the estates on our public



website. The list is known to be used by genealogists to identify estates and find relatives. However, in this case, the claim was received prior to any advertisements appearing.