



Treasury Solicitor's Department

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Our reference: BVFOI/051/14 re James O'Reaghan

Freedom of Information Act 2000 Request

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

We note that the above-named no longer appears on the Treasury Solicitor's List of unclaimed estate. However, a Grant does not appear to have been issued by the Probate Registry and we would be grateful if you would confirm whether or not a Grant will be required by your office prior to funds being released? Alternatively can you confirm if the funds have already been released without the need for a Grant?

It would be most appreciated if you would also confirm if a claim to this estate has been admitted and if so, on what date was this admitted? It would also be helpful if you would confirm the relationship of the claimant to the deceased and the name and address of the solicitor acting in this matter.

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

The Division holds all the information that you have requested.

- I am withholding the information pertaining to the funds of the estate as it is exempt from disclosure under section 31(1)(a) of the Act. Section 31(1)(a) provides that information is exempt from disclosure if that disclosure would, or would be likely to, prejudice the prevention or detection of crime. We believe that disclosure of the requested information to any member of the public would, or would be likely to, help enable the commission of fraud or other criminal activity. In applying the exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information.

There is a strong public interest in ensuring that the Division's activities are conducted in an open, transparent and honest way. However, disclosure of the exempt information could help enable the commission of fraud which would be likely to result in a loss to the public purse. There is a strong public interest in protecting the public purse and it is therefore considered that the public interest in maintaining the exemption in section 31(1)(a) in this case outweighs the public interest in disclosing the information.

- The Division publishes a list of unclaimed estates which have been recently referred, but not yet administered, and historic cases which have not yet been claimed by entitled relatives. You can find the list here: <https://www.gov.uk/government/statistical-dat-sets/unclaimed-estates-list#the-list>

Any estates where the Bona Vacantia Division (BVD) no longer has an interest, for example, when a claim to an estate has been admitted, will be removed daily.

Since the information is reasonably accessible to you by other means and it 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.

- I have withheld certain information from the file regarding the relationship of the claimant 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.

- I have withheld certain information from the file regarding the administrator of the estate 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

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.