



Treasury Solicitor's Department

Bona Vacantia Division (BVD)
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Our reference: BVFOI/332/13 re Margaret O'Neill

Freedom of Information Act 2000 Request

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

Please tell us how you obtained information on deceased's marital status and place of birth and how confident you are of its accuracy. If you hold a copy of her birth certificate, please advise as to whether her name appears as "Margaret O'Neill". Please also provide any information you hold relating to the deceased's former addresses, childhood, family members (including whether she was raised by people who were not her biological parents) and schools where she worked.

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.

We do not hold any information on the place of birth; that information was shown on our website in error and will be removed.

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 as it is exempt from disclosure under section 32(1) of the Act. The information is exempt from disclosure because it is held only by virtue of being contained in a document filed with, or otherwise placed in the custody of a court for the purposes of proceedings in a particular cause or matter and/or a document served upon, or by, a public authority for the purposes of proceedings in a particular cause or matter and/or a document created by a court or a member of the administrative staff of a court for the purposes of proceedings in a particular cause or matter.

I have withheld certain information from the file 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.



Some of the information held by the Division is available on the deceased's will (the gift on which lapsed on the death of the beneficiary, so the estate still passed to the Crown). The will is available with the grant of probate from the Probate Registry, who can be contacted at the Principal Registry of the Family Division, First Avenue House, 42-49 High Holborn, London WC1V 6NP. The information is reasonably accessible to you by other means and is therefore exempt from disclosure under section 21 of the Act.