

MOD FOI/EIR Compliance Notes

Initial Handling of Requests for Information

CN5: Disclosure of Information from Service Personnel Records

Document history

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What this is about:

This note provides an outline on how to handle requests asking for Service Personnel Records and describes the procedures to use.

Detail:

Requests received from the subject

Where requested by **the subject**, personal information relating to serving or ex-service personnel is exempt from disclosure under Section 40(1) of the Freedom of Information (FOI) Act. Any such requests should be refused under FOI and should instead be handled as a Subject Access Request (SAR) under the Data Protection Act (DPA) arrangements. [See the MOD SAR guidance](#)

Requests received from third parties for information relating to serving or living former members of the Armed Forces

Where requested by **a third party** (such as a family member or any other member of the public), personnel information from Service Personnel records relating **to those living** (or where proof of death is not provided) should be treated as a request for information. The request should be refused by sending a section 17 refusal notice stating that the information is exempt from disclosure under section 40(2) (personal information) of the FOI Act.

Requests for information relating to deceased members of the Armed Forces

Where requested by **any requester, including family members, and** where proof of death is provided (unless the subject of the information died in Service) information should be disclosed in accordance with the publication scheme arrangements. (See [Making a Request for Information held on the Personnel Records of Deceased Service Personnel and Home Guard records](#)). If a requester make a complaint about a disclosure under the publication scheme it should be handled as an FOI complaint.

Important Note

Where requested by **any requester, including family members**, and the request brings into scope information about a deceased individual that falls outside the scope of the terms of the publication scheme arrangements for Service records disclosures **and** which for any legitimate reason cannot be disclosed, the request should be handled as a request for information under FOI. This situation may arise for example where any sensitive disciplinary or medical information is contained on the record or the record indicates that someone has served with Special Forces. The specified timescales in the FOI Act must be adhered to and where disclosure of information is refused, a section 17 refusal notice must be issued.

For further information see the ICO guidance on section 17:

http://www.ico.gov.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information.aspx