



Treasury Solicitor's Department

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Our reference: BVFOI/181/14 re Paul Tfanc Landeck

Freedom of Information Act 2000 Request

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

"You advertised this estate..and we can see that a Grant of Letters of Administration has not as yet been obtained. We believe this could be for one of four reasons:

1. No valid claim has been accepted and the Treasury Solicitor is still in the process of applying for a Grant of Letters of Administration.
2. No valid claim has been accepted and the Treasury Solicitor is administrating this estate without taking out a Grant of Letters of Administration as the value is under £15,000.
3. A valid claim has been accepted and therefore the Treasury Solicitor has no further involvement in the matter; but believes that the claimants are in the process of applying for a Grant of the Letters of Administration.
4. A valid claim has been accepted and the claimant is the administrator of the estate without the need for a Grant and the Treasury Solicitor plans to or has paid the money to the claimant.

I would be grateful if you could please inform me which of the above possibilities is relevant with regards to this case using the Freedom of Information Act should you deem it to be necessary. There is of course any number of other scenarios which could have occurred in this particular matter and I would be grateful if you could please inform me giving details if this is the case in this particular estate.

I would also like the name of the claimant and their address if situations 3 or 4 apply."

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

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

You state that a grant has not been taken out in this case. I cannot confirm that this is the case, but information as to whether a grant of probate has been obtained to the estate is available from the Probate Registry. This information is reasonably accessible to you by other means and 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.

You have asked what stage the administration of the estate is at and whether a grant of probate is likely to be required to deal with it. I am withholding this information 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, as it would give an indication of the value of the estate.

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, or to any entitled kin. There is a strong public interest in protecting the public purse and the financial interests of entitled kin, 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 has admitted a claim to the estate. I am withholding the name and the address of the successful 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 am also withholding the information as the Division also considers that the information was received in confidence, and that to reveal the information would constitute an actionable breach of that duty. Accordingly the information is exempt from disclosure under section 41(1) of the Act.

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.