



Government Legal Department

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Our reference: BVFOI/125/15 re Rudolph Kapusta

Freedom of Information Act 2000 Request

You asked for the following information from the Government Legal Department (“the Department”):

Can you please inform me if the case of the person below is still available to be claimed?

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.

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 in relation to the administrator of the estate 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.



