



Our reference: BVFOI/178/16 re Leslie Gelder

Freedom of Information Act 2000 Request

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

I have an interest in the above case. Can you please advise details of the administrator and also the status of the claimant to the deceased?

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 are awaiting details of the administrator of the estate. Therefore the Division does not hold the information that you have requested.

I have withheld information from the file Information details of the claimant’s relationship to the deceased, 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.

The information is also withheld 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.