



Our reference: BVFOI/010/16 re Violet May Ody

### Freedom of Information Act 2000 Request

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

We would like to enquire whether a recent claim has been submitted on this Estate, any other relevant information you are able to release under the Freedom of Information Act (i.e. concerning the Administrators) and how we should proceed further in making a claim.

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

I have interpreted your request to mean that you require information as to whether a claim to the estate has been admitted and, if so, that you require details of the administrators or whether the Division is currently considering a claim to the estate.

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

The Division publishes a list of unclaimed estates which have been recently referred, but not yet administered, and historic cases which have not yet been claimed by entitled relatives.

You can find the list here - <https://www.gov.uk/government/statistical-data-sets/unclaimed-estates-list#the-list>

The Treasury Solicitor will only advertise estates that appear to be solvent. Any estates where the Bona Vacantia division (BVD) no longer has an interest, for example, when a claim to an estate has been admitted, will be removed daily.

Since the information as to whether a claim has been admitted is reasonably accessible to you by other means it 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.

The Division is currently considering a claim to the estate. I have withheld information from the file regarding the kin claim and administrators 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.

It is also 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.

Information on making a kin claim to a deceased's person's estate can be found our website at <https://www.gov.uk/guidance/make-a-claim-to-a-deceased-persons-estate>