



Ministry
of Defence

Navy Command FOI Section
Navy Command Headquarters
MP 1-4, Leach Building
Whale Island
PORTSMOUTH
PO2 8BY

2016-04527

Telephone [MOD]: [REDACTED]

Facsimile [MOD]: [REDACTED]

E-mail: [REDACTED]

[REDACTED]
[REDACTED]

6 May 2016

Dear [REDACTED]

Release of Information

Thank you for your correspondence dated 15 April 2016 requesting the following information:

'I make a formal request through the Freedom of Information Act 2000 to see a small number of naval 'Medical Officers' Journals' from 1915. I have already been informed that your department hold those for the QUEEN, PRINCE OF WALES, LONDON and DUBLIN. Also I have very recently been trying to make sense of disparate snippets of information in various operational records relating to hospital ships and so, if kept and surviving I would also like to see any for the GASCON and SOUDAN for this same year.

In order to investigate this obstruction visited upon me by persons as yet unknown, I also make a formal request through this same Act to see ALL correspondence, notes and other material relating to my recent informal request to see these records.'

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

I can confirm that the Department holds the information you have requested and taking your requests in order:

The naval Medical Officers' Journals for QUEEN, PRINCE OF WALES, LONDON, DUBLIN, GASCON and SOUDAN can be made available to you through the Naval Historical Branch. To make arrangements to view the documents you will need to contact the Admiralty Librarian at the following e-mail address:

[REDACTED]

With regard to your second request I have enclosed copies of two e-mail exchanges concerning release of the Medical Officers' Journals to you. The personal information of individuals has been removed and is withheld under section 40(2) of the FOI Act (personal data).

Section 40(2) applies to personal data relating to third parties. The release of personal information relating to other individuals would contravene the principles of the Data Protection Act 1998, namely Principle 1 – personal data shall be processed fairly and lawfully and not unless certain specified conditions are met, and Principle 2 – personal data shall be obtained and processed only for specified and lawful purposes and not further processed in a manner incompatible with the purposes. In this instance, data has been provided for internal purposes only and not with the expectation that it would be made public.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 2nd Floor, Zone N, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely

Navy Command Secretariat – FOI Section

NAVY POL-NS NHB AL xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

From: NAVY INM-MES MEDLEGAL xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Sent: 20 April 2016 09:59
To: NAVY POL-NS NHB AL xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Subject: FW: Access to MoJs

Importance: High

.xxxxx

Apologies for the delay – I have just returned from leave when I was incommunicado.

I agree entirely that it is ridiculous to redact such a large amount of information when similar records are in the public domain. In view of the new evidence presented by the researcher, I recommend that the MoJs be made available *in toto*

xxxxx

xxxxxxxxx Surgeon Captain RN (Ret'd) SO Med legal (N) Institute of Naval Medicine Alverstoke PO12 2DL Tel: Mil xxxxxx
xxxxx BT xxxxxxxxxxxxxxx

To promote, protect and restore the health of the Royal Naval Service.

From: NAVY INM-MES MEDLEGAL xxxxxxxxxxxxxxxxxxxxxxx **On Behalf Of** NAVY INM-MES MEDLEGAL xxxxxxxxxxxxxxx
(xxxxxxxxxxxx)
Sent: 13 April 2016 11:30
To: NAVY POL-NS NHB AL (xxxxxxxxxxxxxxxxxxxx) NAVY INM-MES MEDLEGAL xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Subject: RE: Access to MoJs

Jenny

Unfortunately Capt xxxxx is not currently contactable and won't see your E-mail till next Wednesday at the earliest.

Regards

xxxxxxxxxxxxxxxxxxxxx Medicolegal Department, The Institute of Naval Medicine, Crescent Road,
Gosport, Hants, PO12 2DI , Tel Civ: xxxxxxxxxxxxxxxx Tel Mil: xxxxxxxxxxxxxx E-mail: xxxxxxxxxxxx
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

To promote, protect and restore the health of the Royal Naval Service.

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Save resources, do you need to print this e-mail or any attachments?

From: NAVY POL-NS NHB AL xxxxxxxxxxxxxxxxxxxxxxx
Sent: 13 April 2016 09:49
To: NAVY INM-MES MEDLEGAL xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Subject: RE: Access to MoJs
Importance: High

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A Medical Officers' Journal redacted to remove the data relating to individuals would be largely blank, and it would be a formidable task to attempt to do this for the entire contents of twelve volumes (they are mostly bound, and contain a number of journals in each volume): I'm not actually sure it would be physically possible. We now have a second researcher who wishes to see a dozen volumes from 1915. He tells me: "Currently I can exemplify from MoJs in TNA cases where sailors were brought to a court martial due to medical evidence from the MO. I can also exemplify cases of sailors dismissed services no longer required due to evidence from MOs. What I have no examples of (although I know it happened) is cases of sailors punished summarily due to MO evidence. The MoJs selected seemed the most likely to offer some hint of this or failing that more examples of the other conditions."

When I said there might be an issue in giving him access, he pointed out that there are MoJs for the same period in TNA and that these are not only on public access but can be downloaded from Ancestry.com. He sent me a photograph which I can forward to you, saying: Attached is a photograph of a page from ADM 101/317. It is not redacted in any way, the names are there as are the medical details in full. The page includes a case of venereal disease.

In the circumstances, it does seem somewhat absurd if he cannot look at the MoJs here. Does that affect your view of the issue? This is purely regarding MoJs which are now over a hundred years old – at some point we will have to address what rules need to be applied for the later ones, but at the moment it is just 1914 and 1915 that concerns me.

This researcher would like to see some of the MoJs tomorrow, so it is fairly urgent. The other researcher will not be coming down for a week or two.

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Admiralty Librarian | Royal Navy

Naval Historical Branch | No.24 Store | HM Naval Base, Portsmouth PO1 3LJ
Civ Tel: XXXXXXXX | Mil Tel: XXXXXX | Email: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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NAVY SEC-FOI MAILBOX (MULTIUSER)

From: NAVY INM-MES MEDLEGAL XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 07 April 2016 10:06
To: NAVY POL-NS NHB ALXXXXXXXXXXXXXXXXXXXX
Subject: RE: Access to MoJs

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We spoke recently this morning, when you clarified the purpose of the researcher's investigations, which focus on the battles of Gallipoli rather than individuals mentioned in the MOJs.

I have been unable to find any specific legislation which deals with this request

It is in the public domain that all WW1 survivors have now died, and you point out that if the MOJs of this period had been transferred to TNA they would be available to researchers. I take your point that as employers we have to be cautious about making personal information available.

However, taking in to account my observations above, I consider that there is no requirement to apply a different set of rules from TNA about access to historical documents that include details of deceased individuals in addition to the professional comments about the medical organisation of ships, the medical management and treatment of casualties and other details which would be of interest to researchers.

Accordingly, I consider that the professional researcher should be allowed access to MOJs over one hundred years old, with the proviso that he should not be allowed to discuss individual patients' sensitive medical history, although less sensitive information about individuals' injuries should be allowed if appropriate. The simplest way of achieving this is to redact the portion containing individuals' specific diagnosis, or even to leave out the entire section relating to patients' details from the copy made available to the researcher

I hope this is helpful and allows you to formulate a policy for future access of MOJs and other potentially sensitive material.

Kind Regards

XXXXXXXXXX

XXXXXXXXXX Surgeon Captain RN (Ret'd) SO Med legal (N) Institute of Naval Medicine Alverstoke PO12 2DI Tel: Mil XXXXXX
XXXXXXXXXX BT XXXXXXXXXXXXXXX

To promote, protect and restore the health of the Royal Naval Service.

From: NAVY POL-NS NHB AL XXXXXXXXXXXXXXXXXXXX
Sent: 06 April 2016 12:01
To: NAVY INM-MES MEDLEGAL XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Subject: Access to MoJs

We have a professional researcher who has requested access to some Medical Officers' Journals held here.

These are public records, but were declined by TNA, and came to us by agreement with TNA and Defence Records. TNA have since revised their view of the value of these records and it is likely that they will at some stage be transferred, but this will probably not happen for some years yet. They date from the beginning of the First World War to the beginning of the Second, and the journals in question refer to Gallipoli, so are all from 1915. Medical records were formerly closed for 100 years, so the volumes for 1915, although not the majority of the rest of the collection, would now be on open access if they were at TNA. TNA does, in fact, have some from this period and they are available to researchers.

We have to balance freedom of information against data protection, and medical information does, of course, have the potential to be exceptionally sensitive. As MoD were the employers, we may also need to be more cautious in making this type of information available than does TNA, so I would be grateful for advice on whether we can provide the journals he wants to this researcher, and if there need to be any particular restrictions. He will be visiting the reading room over at the NMRN later this month, and if possible we would also prefer to make the journals available alongside the material he is looking at over there, because moving him between the two buildings entails time and extra layers of paperwork to gain access, which is time-wasting for all concerned. If the volumes in question were less than 100 years old, I would be more doubtful than I am in this case, but the WW1 centenary means that there is likely to be a demand for access to all relevant material, including these. We have a 'Researcher Application' form relating to access to closed sensitive and confidential personal data

in compliance with the Data Protection Act 1998, but this automatically assumes that the records in question are less than 100 years old and closed. We did use this for one visitor carrying out epidemiological research into the outbreak of Spanish flu in 1918, but he was interested in the spread of the pandemic, not in individual cases.

I put this question to the FOI Cell and they have referred me to you, as they said that they didn't think DPA applied, and the records would probably fall under the Medical Records Act.

May we allow the access requested?

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Admiralty Librarian | Royal Navy

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