



Ministry of Defence

██████████
HEADQUARTERS AIR COMMAND
Air Command Secretariat

Spitfire Block
Royal Air Force
High Wycombe
Buckinghamshire
HP14 4UE

E-mail ██████████

Our Ref: 2014/06933

1 December 2014

Dear ██████████

Thank you for your email of 10 November 2014 requesting the following information:

“The rank in the Royal Air Force that the accused [Eddie Graham] held while serving at RAF Gatow, and of any higher rank to which he may have been promoted before retirement or discharge.”

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that all the information in scope of your request is held. However, some of the information is exempt from release under Section 21 of the FOIA (Information Reasonably Accessible to the Applicant by Other Means), and some of the information falls entirely within the scope of the absolute exemption provided for at Section 40 (Personal Data) of the FOIA.

The rank held by Edward Graham at the time of his discharge from the RAF can be found on the website of the Service Prosecuting Authority (SPA), via the following link:

<http://spa.independent.gov.uk/test/media/index.htm>

Section 40(2) has been applied to information on the rank Edward Graham held at the time he was serving at RAF Gatow in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Under Section 16 of the FOIA (Advice and Assistance) you may like to note that while officers' promotions are routinely announced by the Ministry of Defence via the London Gazette, and are therefore readily available in the public domain, those of airmen are not and as such an airman's rank is regarded to be personal information which is protected under the Data Protection Act.

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, you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, 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. 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.gov.uk>.

Yours sincerely,

A solid black rectangular redaction box covering the signature of the sender.

Air-DRes Sec 3b1