



Our reference: BVFOI/025/17 re John Allard

### Freedom of Information Act 2000 Request

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

Please provide me with information about the kin claimant and their representative.

We had thought to put it this into the hands of [redacted], but today one of the family members had a call from [redacted] stating that they had been appointed by the treasury to be the administrator of the estate. Could you advise whether they are telling the truth, as they have asked the family member they spoke to also send in a contract with proof of ID.

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, in addition to details of the administrator of the estate, you also require information about the kin claimant and their representative.

The Division holds some the information that you have requested.

The Division has received and accepted a fully documented claim to the estate.

The Division holds no information about the administrator.

I have withheld certain information from the file, information about the kin claimant and their representative, 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 have withheld certain information from the file, information about the kin claimant and their representative, 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.