



Ministry
of Defence

Army Secretariat
Army Headquarters
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Hampshire, SP11 8HJ
United Kingdom

Ref: FOI2018/15900
ArmySec/03/10

E-mail: ArmySec-Group@mod.gov.uk

Website: www.army.mod.uk

14 January 2019

Dear [REDACTED],

Thank you for your email of 12 December in which you requested the following information:

On 2 Sept 2011 you received a FOI request - Case No. 164329-008 for the details of the Court Martial of Lt Col D.M Ivison on 18 Oct 1983. Can you let me know the name of the enquirer and your response, plus details of any other enquiries concerning this case?

I am treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000. A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held. A copy of the response to the FOI request referenced in your email is enclosed.

Some of the information contained within the letter is exempt from release under sections 40(2) and 40(3) (Personal Information) of the FOIA and has therefore been removed. These sections cover personal information which is protected by the Data Protection Act (DPA). The redacted information is the personal information of the requestor, which if disclosed would contravene the DPA.

With regards to your request for details of any other enquiries concerning this case, I can confirm that there are no other recorded requests concerning this case.

If you have any queries regarding the content of this letter, please contact this office in the first instance. Following this, if you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

[REDACTED]



SO2 Pers 1
Army Secretariat



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Monxton Road
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SP11 8HJ**

E-mail: lf-sec-group@mod.uk
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ARMY

[Redacted]

Our Reference: LF/Sec/03/10/65856

Date: 7 October 2011

Dear [Redacted]

Your correspondence dated 2 August has been considered to be a request for information in accordance with the Freedom of Information Act 2000. You requested the following information:

“Please could I have all information relating to the following court martial hearing particularly, but limited to, the reasons behind the decision and any other background information to the court martialing.

REGULAR ARMY

Lt.-Col. D. M. IVISON (445892) R.C.T. to be dismissed with disgrace from Her Majesty's Service by sentence of a General Court-martial, 18th Oct. 1983.”

First let me apologise for the delay in responding to your request for information. I can confirm that there were a total of three documents that were found relating to the court martial of Lt Col Ivison. They were produced by a court and they have also been identified as being sensitive personal data. Therefore, because these documents fall within the scope of the following absolute exemptions under the Act we are unable to release them:

Section 32 – Court Records. Information held by a public authority is exempt information if it is held only by virtue of being contained in-

- 32(c) any document created by-
 - (i) a court, or
 - (ii) a member of the administrative staff of a court, for the purposes of proceedings in a particular cause or matter.

Section 40 – Personal Information. The information requested relates to 'an offence' as defined under the Data Protection Act 1998 (DPA 98) and is therefore classed as 'sensitive personal data'. Section 40(2) of FOIA therefore applies by virtue of section 40(3)(a)(i), as disclosure would breach the first data protection principle.

As both section 32 and section 40 are absolute exemptions, an assessment of the public interest for and against disclosure is not required under the terms of the 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 then you may apply for an independent internal review by contacting the Head of Corporate Information, 2nd 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 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.gov.uk>.

Yours sincerely,

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