

Ref: FOI2020/09601

17 September 2020

Ms

Dear Ms

Thank you for your email of 24 August 2020 to the Ministry of Defence (MOD) requesting the following information:

"I would be grateful if you could search your records including, paper and electronic format records, videos, recordings, call records, signals (radio, electronic or cyber technology) and any other technology or process has been applied, processed or used in the period January 2016 date to the following named persons, addresses, telephone numbers.

Please can you apply this search across all departments of the Ministry of Defence. I appreciate this search is wide however it is very important for administration of justice purposes.

I confirm I am making this request under the Freedom of Information Act

I would also be grateful to make a Subject access under the UK Data Protection Act, GDPR subject access request.

1. Please can you confirm whether any of our data has been accessed, used, altered, profiled, anonymised, transferred, archived, stored, deleted, or transferred to other authorities, disclosed, or otherwise any handling use access or, processing whatsoever has taken place at any of the names, addresses, telephone numbers from January 2016 to date.

In providing this information can you also answer the following questions.

*What type of act has taken place.
The purpose reason for which such activity took place.*

If information or activity has taken place and is being withheld or cannot be disclosed please can you state under which legal authority is being relied upon to withhold the release of the information/ response.

I should be very grateful if you could provide the information within 28 days as required under these acts.

Please also can you ensure a human search is undertaken not an automated response.

Thank you for your assistance.

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

With regard to the early part of your request where you ask for information under the FOIA, I should explain that as your request relates to personal data, and in order not to breach Data Protection principles, the Department under section 40(5B)(a)(i) of the FOIA is unable to confirm or deny whether any information is held within the scope of your request. Section 40 is an absolute exemption and not subject to a public interest test. The application of the Neither Confirm or Deny provision should not be taken as conclusive evidence that any information in scope of your request does or does not exist.

Under Section 16 of the FOIA (Advice and Assistance), your whole request falls under the auspices of a Subject Access Request (SAR), and you do have the right to request access to personal data held by the Department under the Data Protection Act 2018. Details of how to make this request can be found at the following link:

<https://www.gov.uk/government/publications/mod-subject-access-request-form>

If you have any queries regarding the content of this letter, please contact this office in the first instance.

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.gov.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

Defence Business Services Secretariat