

Ref: FOI2020/10865

20 October 2020

Thank you for your letter of 7 September 2020 to the Chief Executive of Defence Business Services, seeking information about your War Pension assessment. Your request has been passed to the Secretariat Team to provide a response.

You requested the following information:

- “ a. Provide me with a step by step account with dates for each step but names redacted, what has happened to that assessment and the information it contained from the date the assessment was carried out 7 August 2019 up to the release of the Supplementary response on 11 August 2020.*
- b. Tell me what you as CE are personally doing to prevent reoccurrence of such ridiculous and inordinate timescales both in my case and other cases your org is dealing with. Your supplementary response should have been done well before lockdown so that is no excuse.*

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

A search of the information has been completed and I can confirm that no information within the scope of your request is held.

Section 1 of the Freedom of Information Act gives an applicant the right to access recorded information held by public authorities at the time the request is made and does not require public authorities to answer questions, provide explanations or give opinions, unless this is recorded information held. I can confirm that the Ministry of Defence holds no recorded information that would provide an answer to the question you have asked in part (b) of your request. You may find it useful to know that The Information Commissioners Office publishes guidance on how to make requests for information under the Freedom of Information Act at the attached link which you may find helpful in any follow up requests for information

<https://ico.org.uk/for-the-public/official-information>

In relation to your request at part (a), I should explain that as this part of 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 FOI Act, is unable to confirm or deny whether any information is held within the scope of your request. This is because if held, this information would be exempt

under Section 40(2) of the FOIA in line with Data Protection Legislation. Section 40 is an absolute exemption and not subject to a public interest test. This should not be taken as conclusive evidence that any information in scope of your request does or does not exist.

Notwithstanding the above, under Section 16 of the FOIA (Advice and Assistance), you do have the right to request access to any personal data held by the Department under the Data Protection Act 2018 and as such I have passed your request to the Department's Subject Access Request (SAR) Team who will contact you to take this request forward.

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