



Ministry
of Defence

Defence Business Services
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E-mail: DBSRES-Secretariat@mod.gov.uk

Ref: FOI2021/05441

16 June 2021

Thank you for your email of 21 May 2021 to the Ministry of Defence (MOD), requesting the following information:

“Under the Freedom of Information Act, I would be grateful for confirmation of the date of issue of the Efficiency Decoration to Major John Felix Richards RADC. He served in the Territorial Army between 1950-56 as an other rank and 1959-88 as an officer in the RADC; and died in December 2010.”

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 (MOD) and under Section 40(5) of the FOIA, the MOD neither confirms nor denies whether it holds any information in scope of your request. Your request asks for information which may include a third party's personal data. Were any information held it would be exempt from disclosure as it may constitute the personal data of third parties and it would be unfair and unlawful to disclose this type of information without consent as it would breach the fair processing principle of the Data Protection Act (DPA). Section 40(5) is an absolute exemption and not subject to public interest testing.

Under Section 16 of the Act (Advice and Assistance) it may be helpful if I explain that unless the individual died in Service, you are required to provide a copy of a death certificate as proof of death in recognition of the MOD's duty of care to the next of kin. For a period of up to 25 years following the date of death, personal information (including medal record cards) relating to an individual will only be released to the next of kin, or to a third party with their consent. This is because if it cannot be proven or reasonably assumed that an individual is dead, the MOD must treat their data as personal data. However, if the date of birth of the individual was more than 116 years ago, the requirement to provide a death certificate will be waived, this is because it can be reasonably assumed that an individual is deceased.

If you haven't already done so, you may wish to consult the Gazette Website which may assist with your enquiry: <https://www.thegazette.co.uk/awards-and-accreditation>

You should also be aware that the Medal Office is happy to treat requests such as this as part of their normal business. You can contact them by email at DBS-Medals@mod.gov.uk.

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