



Defence Business Services
DBS Secretariat Team
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Lancashire
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DBSRES-Secretariat@mod.gov.uk

Ref: FOI2021/11265

28 October 2021

Dear [REDACTED]

Thank you for your email of 2 October 2021 requesting the following information:

“I would appreciate answers to the following questions in accordance with the ‘Freedom of Information Act’.

1. *What were the names of the individuals that assessed my claim?*
2. *What were the ‘Medical Qualifications’ if any, they held?*
3. *Copies of the notes they made during the 13 Month examination?”*

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, and I can confirm 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 about your own personal data. Were any of your personal data to be held it would be exempt under section 40(1). A release under FOIA is assumed to be a release to the public at large, therefore, admitting to holding or not holding information would be to breach the fair processing principal of the Data Protection Act. In view of this the MOD neither confirms nor denies it holds any information in scope of your request. Section 40(5) is an absolute exemption and not subject to public interest testing.

The fact that Section 40(5) of the FOIA has been cited should not be taken as an indication that the information you have requested is or is not held by the Department. The terms of this exemption of the FOIA mean that we do not have to consider whether or not it would be in the public interest for us to reveal whether or not the information is held.

Notwithstanding the above, under Section 16 of the FOIA (Advice and Assistance), you do have the right to request access any personal data which may be 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 in order to establish if any such information

exists. further information about submitting a Subject Access Request for personal information to the MOD can be found at the link below:

<https://www.gov.uk/guidance/obtain-information-about-yourself-held-by-mod>

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