



Ministry
of Defence

Defence Business Services

Head DBS Secretariat
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Ref: FOI2021/15395

20 December 2021

Dear [REDACTED]

Thank you for your email of 14 December 2021 to the Ministry of Defence (MOD), requesting the following information:

"Please can you also review your estimate of the costs incurred in the civil case and the AFCS claim. On 22 Jan 15 lawyers for the MoD in the civil case served a schedule of costs on us up to that date at just under £250,000. As that only related to the civil case, it therefore does not include the many hearings in the the AFCS case where Veterans UK was represented by Counsel, so must be incorrect. Please advise how your figure of £240,000 was calculated, specifically what was and was not included."

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 MOD and I can neither confirm nor deny that the Ministry of Defence holds this information.

I can advise that Section 40(5) of the Act is engaged for the information you have requested. This is because where any confirmation (or denial) of holding such information would be a breach of the Data Protection Principles as defined by the General Data Protection Regulations (GDPR) and Data Protection Act 2018 (DPA18), then section 40(5) is engaged. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Notwithstanding the above, under Section 16 of the FOIA (Advice and Assistance), I would like to inform you that the person whose civil case you are referring to does have the right to request access to any personal data which may be held by the Department under Data Protection legislation. Should that person wish to exercise this right, 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