



Defence Business Services

DBS Secretariat
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Ref: FOI2022/00897

7 February 2022

Dear

Thank you for your email of 13 January 2022 to the Ministry of Defence (MOD) requesting the following information:

"I would also appreciate an answer regarding my question about when the HMRC database was first interrogated and when was the earliest indication that my AFPS NI record differed from information held by HMRC. It is my understanding that the standard for Freedom of Information requests is a response within 28 days".

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, however 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(5). A release under FOIA is assumed to be a release to the public at large, therefore, admitting to holding or not holding the 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.

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 to any personal data which may be held by the Department under the Data Protection Act 2018 and as such I have passed your requests 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 are unhappy with 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

DBS (Secretariat)