



Ministry
of Defence

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Ref: Army/Sec/FOI2022/05952

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15 June 2022

Dear [REDACTED],

Thank you for your email of 13 May 2022 in which you requested the following information:

- a. *In Dec 2021 [named individual] wrote to [named individual] I would like a copy of the full submission.*
- b. *Details of all ACF CFAV/PSS related complaints and disciplinary cases handled by HQ 51 Inf Bde between 1 Jan 18 and the present.*
- c. *Details of all ACF CFAV/PSS related complaints and disciplinary cases handled by Highland RFCA between 1 Jan 18 and the present. I should like:*
 - *Date submitted.*
 - *Unit concerned.*
 - *Issue.*
 - *Current status.*
 - *If closed, date of closure and outcome (for complaints, Upheld, Partially Upheld, Dismissed, Dismissed Vexatious, for discipline Proven/not proven)."*

I am treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000. I can advise that Section 40(5) of the Act is engaged for some of the information you have requested. I should explain that under section 1(1) of the FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b) to have the information communicated to them if it is held and is not exempt information – 'the duty to confirm or deny'. Section 40 of the FOIA provides that information is exempt from disclosure if it is personal data. However, under section 40(5A) the duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1). Section 3(2) of the Data Protection Act 2018 defines personal data as: "any information relating to an identified or identifiable living individual".

Therefore section 40(5) is engaged, by virtue of section 40(5A) of the Act and the Department is unable to confirm or deny whether any information is held relating to part "A" of your request.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 2018. 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.).

Part B and C:

- Between the Dates January 2018, the number of complaints/disciplinary cases handled by HQ 51 Inf Bde and Highland RFCA:

Case Status	Total number of cases
Open	10
Closed	-

- Please note that these statistics are rounded to 10 to limit disclosure and ensure confidentiality.
- '-' denotes zero or rounded to zero.

Please note that the figures provided are single Service estimates based on data which is not gathered for statistical purposes or subject to the same level of scrutiny as official statistics produced by Defence Statistics. The figures provided may therefore be subject to data quality issues affecting their accuracy.

If you have any queries regarding the content of this letter, please contact this office in the first instance. Following this, 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.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,



Army Secretariat