



Defence Business Services

Secretariat
Room 6303
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Thornton-Cleveleys
Lancashire FY5 3WP

Ref: FOI2022/11903

DBSRES-Secretariat@mod.gov.uk

[REDACTED]
[REDACTED]

14 November 2022

Dear [REDACTED]

Thank you for your email of 17 October 2022 to the Ministry of Defence (MOD), requesting the following information:

"We note that there have been several differing opinions provided in relation to our client's claim for his PTSD from your panel of Medical Advisors. As we act on behalf of [REDACTED] please accept this as a direct request from [REDACTED] to all Medical Advisors who have provided comment and diagnosis in relation to PTSD and claim. We make this request via yourselves as you prevent us from Direct contact with your MAs, however we do note that the MAs are willing to respond directly to our correspondence when asked to do so.

We therefore request the following information under both the Freedom of Information and in accordance with GDPR Article 23 (1) and the UK DPA 2018, Schedule 2 Part 3.

*Name of medical advisors
Qualification of medical advisors
GMC Registration number*

I am treating this part of 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 confirm that some information in scope of your request is held.

I must advise you that Section 40(2) has been applied in order to protect personal information as governed by the Data Protection Act 2018. Section 40 is an absolute exemption and there are no requirements to consider the public interest in making a decision to withhold the information. I am, therefore, unable to release the General Medical Council (GMC) number, name or qualifications of Medical Adviser employed by Veterans UK, as they have either not consented to, or are unable to consent to, the release of their personal information, and it remains unreasonable to do so without their consent.

Under Section 16 of the FOIA (Advice and Assistance) it may be helpful to advise following a discussion with the GMC, Defence Business Services have confirmed that they are not required to release the names or qualifications of their employees i.e. Veterans UK Medical Advisers, where doing so would contravene other legislation such as the Data Protection Act. The GMC confirmed that where an individual makes a direct approach to a Doctor for their qualifications, the Doctor must provide the requested information e.g. where a patient makes a verbal request

to their General Practitioner (GP). However, as DBS customers are unable to approach the Veterans UK Medical Advisers directly, the release of their personal information is dependent upon other rules and regulations such as the UK Data Protection Act 2018 (UK DPA 18). GDPR Article 23(1) and the UK DPA 2018, Schedule 2, Part 3, covers the Protection of Rights of Others, specifically in relation to Health, Social and Education workers. In accordance with paragraph 17(1)(a) it is to be considered reasonable for a controller to disclose information to a data subject without the consent of the other individual where – (a) the health data test is met 17(2) explains, the health data test is met if – (a) the information in question is contained in a health record, and (b) the other individual is a health professional who has complied or contributed to the health record or who, in his or her capacity as a health professional, has been involved in the diagnosis, care or treatment of the data subject. A War Pension file does not constitute a health record, and Veterans UK Medical Advisers are not involved in the diagnosis, care or treatment of War Pension claimants. A Veterans UK Medical Adviser's role is to provide advice and guidance based upon pre-existing medical evidence which is used to determine the level of disablement in accordance with the relevant pension scheme rules.

The Subject Access Request is being dealt with under separate cover as a request under the Data Protection Act 2018. A response will be issued in due course.

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