



Defence Business Services
Secretariat
Room 6303
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Ref: FOI2021/06623

DBSRES-Secretariat@mod.gov.uk

23 June 2022

Dear [REDACTED]

Thank you for your email of 26 May 2022 to the Ministry of Defence (MOD), seeking information about Mr Clive Hunt's Armed Forces Compensation Scheme claim.

You requested the following information:

"Please identify your medical advisor by name and GMC number as soon as possible.

Please provide copies of all records and documents received since you sent the file previously to include the MA notes and internal memos etc."

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.

With regards to your request for the GMC number of a Veterans UK Medical Adviser, Section 40(2) has also been applied to protect the personal information of a third party, as governed by the Data Protection Act. 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 details of any employees of 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 Act (Advice and Assistance) you might find it helpful to know that Veterans UK Medical Advisers are not involved in patient care as part of their role and, as such, are not required to disclose their GMC number. However, where an individual knows the name of a particular doctor some of the information within your request may be found at the following link: <https://www.gmc-uk.org/registration-and-licensing/the-medical-register>

Your request asks about Mr Hunt's own personal data. Were any of his 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 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.

Under Section 16 (Advice and Assistance) I can advise that Mr Hunt does have the right to request access to any personal data which may be held by the Department under the Data Protection Act 2018; as such I have passed your request to the Department's Subject Access Request (SAR) Team, who will respond to your request in due course.

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



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