



Defence Business Services

Secretariat
Room 6303
Tomlinson House
Norcross
Thornton-Cleveleys
Lancashire FY5 3WP

DBSRES-Secretariat@mod.gov.uk

Ref: FOI2022/11108

20 October 2022

Dear [REDACTED]

Thank you for your letter of 27 September 2022 to the Ministry of Defence (MOD) requesting the following information:

"We make this FOI Request on behalf of our client, [REDACTED] a Partner of this Firm is appointed as Deputy for the financial and property affairs of [REDACTED] by Court Order dated 29th September 2021 as he has been assessed to lack capacity to manage his affairs. A copy of this Order is attached for your records.

[REDACTED] previous Deputy, [REDACTED] has been removed due to failure to act in the best interests of [REDACTED]. As per the nature of our appointment, we have extremely limited information regarding [REDACTED] affairs and therefore are unable to manage his affairs. We believe that [REDACTED] should be in receipt of an Army pension as he served for 22 years before retiring as a Warrant Office 2. We kindly request that your team provide us with all and any information you hold for [REDACTED] to assist in the proper management of his financial affairs. The following information is all we hold at this time:

Name : [REDACTED]

DOB : [REDACTED]

Address: [REDACTED]

A search for the information has now been completed within the Ministry of Defence and I can neither confirm nor deny whether the MOD holds the information that you have requested.

We are not obliged to confirm or deny whether we hold the information as if held, this would relate to [REDACTED] personal information. Section 40(5) of the FOIA provides that there is no duty to confirm or deny whether we hold the information.

The fact 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 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 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

A black rectangular redaction box covers the signature area, with a small white vertical bar and a double-slash symbol (//) visible on the right side.

DBS (Secretariat)