



Our reference: BVFOI/006/16 re Charles Hall Norden

Freedom of Information Act 2000 Request

You asked for the following information from the Government Legal Department (“the Department”):

Has a claim already been made on this estate? If so, when did this happen and where can we obtain details of the Administrator of the estate.

Can you provide any information on the value of the estate and the number of potential beneficiaries?

The date of death (02/01/2000) is outside of the 12 year threshold, are claims still valid now?

Your request will be dealt with by the Bona Vacantia Division (“the Division”) under the Freedom of Information Act 2000.

The Division holds some of the information that you have requested.

The Division admitted the claim of a relative entitled to, or to share in, the estate in priority to the Crown on 17 June 2015.

I have withheld details of the successful claimant as it is exempt from disclosure under section 40(2) of the Act. The information is exempt from disclosure because it constitutes the personal data of a living individual as defined in section 1(1) of the Data Protection Act 1998 and disclosure of the information would be in breach of the data protection principles set out in Schedule 1 of that Act. In particular, disclosure of the information would contravene the first data protection principle, which requires that personal data be processed fairly and lawfully.

The Division considers that this information and details of the administrator acting for the successful claimant, was received in confidence, and that to reveal the information would constitute an actionable breach of the duty of confidence. Accordingly the information is exempt from disclosure under section 41(1) of the Act.

In considering whether disclosure would be an actionable breach of confidence the Division has considered whether there is a public interest in disclosing the information that would outweigh the public interest in keeping the information confidential.

There is a strong public interest in keeping confidential information that has been disclosed in confidence, and in this case there is no specific reason in favour of disclosure of the information. Disclosure would not protect public safety, nor would it expose wrongdoing such as misfeasance, maladministration, negligence or other iniquity on the part of the Division. In this case the Division considers that the public interest in keeping the information confidential outweighs the public interest in disclosing it.

I am withholding information from the file, the value of the estate, as it is exempt from disclosure under section 31(1) (a) of the Act. Section 31(1) (a) provides that information is exempt from disclosure if that disclosure would, or would be likely to; prejudice the prevention or detection of crime. We believe that disclosure of the requested information to any member of the public would, or would be likely to, help enable the commission of fraud or other criminal activity. In applying the exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information.

There is a strong public interest in ensuring that the Division's activities are conducted in an open, transparent and honest way. However, disclosure of the exempt information could help enable the commission of fraud which would be likely to result in a loss to the public purse. There is a strong public interest in protecting the public purse and it is therefore considered that the public interest in maintaining the exemption in section 31(1)(a) in this case outweighs the public interest in disclosing the information.

The Division holds no information about the number of potential beneficiaries.

Claims will be accepted by the Division within, generally, 12 years from the date that the administration of the estate was completed and interest will be paid on the money held. However, the Division will admit claims up to 30 years from the date of death, subject to no interest being paid on the money held, if the claim is received after the 12 year period above has run out.