

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 8 November 2005

Name of Public Authority: Ministry of Defence

**Address of Public Authority: Main Building
Whitehall
London
SW1A 2HB**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 10 March 2005 the following information was requested from the Ministry of Defence (the "MOD") under section 1 of the Freedom of Information Act 2000 (the "Act"):

A copy of Admiral Tom Spencer Vaughan Phillips' signature.

It is alleged that the MOD holds the above information but has not provided it to the complainant.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

On 31st March 2005 the MOD wrote to the complainant denying that the information requested was held. The MOD has explained that personnel records are retained in the Officer's Naval Archive for 100 years from the individual's date of birth. Although Admiral Phillips was born over 100 years ago, a search of the Naval Archives was nevertheless carried out. Further searches were made of records of officers who served on the HMS Prince of Wales with Admiral Phillips to see if his signature appeared on their records.

The information requested by the complainant was not found to be held in any of these records.

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In addition, the MOD advised the complainant that it was possible that the information requested was held by the National Archives.

In view of the above, the Commissioner is satisfied that the information requested by the complainant is not held by the MOD and that the complaint's requested has been dealt with in accordance with section 1 of the Act.

Section 1 of the Act states:

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

Action Required

In view of these matters the Commissioner does not require any steps to be taken by the Ministry of Defence.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 8th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF