



Ministry  
of Defence

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Mr Ng

[request-941315-aa50834f@whatdotheyknow.com](mailto:request-941315-aa50834f@whatdotheyknow.com)

21 February 2023

Dear Mr Ng,

Thank you for your email of 24 January 2023 in which you requested the following information:

Dear British Army,

I would like to request a copy of the latest version of (AGAI) Vol.2 Chapter 40 in order to access the most up to date information for mini periods of UK Residency Required to apply British Army as UK Dual Nationals since Birth.

I am treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000. A search for the information has now been completed within the Ministry of Defence, and I can confirm that the information in scope of your request is held and is enclosed.

I can advise that some of the information in scope of your request falls entirely within the scope of the exemption provided for at Section 40 (Personal Data) of the FOIA and has been withheld. Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 2018.

Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the third-party personal data identified in the attached information.

If you have any queries regarding the content of this letter, please contact this office in the first instance. Following this, 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.uk](mailto:CIO-FOI-IR@mod.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,

Personnel Leader A  
Army Policy & Secretariat