



Ministry of Defence

Army Secretariat
Army Headquarters
IDL 24 Blenheim Building
Marlborough Lines
Andover
Hampshire, SP11 8HJ
United Kingdom

Ref: FOI2020/01114/10/05
FOI2020/01530
FOI2020/01900
FOI2020/02016
FOI2020/02125

E-mail: ArmySec-Group@mod.gov.uk
Website: www.army.mod.uk

John Dauncey
Email: request-639242-4603d412@whatdotheyknow.com

03 March 2020

Dear Mr Dauncey,

Thank you for your email of 27 January in which you requested the following information:

"In Regards to the ACF and FOI can you answer the following questions.

- 1 How many Cadet Commandants have been appointed over the age of 65 yrs old 2018 to 2020 ?*
- 2 What would be the reasoning behind acceptance over the age candidates with the exception of specialist skills i.e. musician etc. ?"*

You have also requested the following information on 07 February:

*"I wish to request under the FOI policy a copy of the Scores etc from the Board for Commandant Cleveland held on the 17 July 2018 and any correspondence relating to the board.
I also request a copy of the age exemption or waiver that was submitted from the board and any other correspondence involved."*

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 below.

Due to the low number of Cadet Commandants appointed between 2019 to 2020, information in relation to the first question of your request dated 27th January has been withheld under Data Protection. This information is exempt from release under section 40 (Personal Data) of the FOIA. Section 40(2) has been applied to the information to protect personal information as governed by the Data Protection Act 2018. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in deciding to withhold the information.

In response to second part of your 27th January request, please find below an extract from Army Cadet Forces (ACF) Regulations:

2.3.2.5.1. The age limits for the ACF are:

- a. a. Officers. The minimum age for appointment to a Cadet Forces Commission is 18 years. An ACF Officer is usually expected to end uniformed membership of the ACF at 65 years.

2.3.7.2.8. Period of appointment or extensions to Officers and Adult Instructors of all ranks 65 years and over. RPOC Commanders may extend CFAVs beyond the age of 65 if there are exceptional circumstances (such as them being the only CFAV capable of carrying out a role).

Under Section 16 (Advice and Assistance) you might find it helpful to note that being over the age of 65 is not against the ACFs Regulations, although as indicated in the policy above a Cadet Force Adult Volunteer (CFAV) would be usually expected to resign from uniformed service by the age of 65. If they are fulfilling a role that would suffer by their leaving, extending their tenure beyond the age of 65 would be allowed.

In response to first part of your second request, please note that aggregated Board member scores from the Board for Commandant Cleveland have been withheld under the Data Protection. This information is exempt from release under section 40 (Personal Data) of the FOIA. Section 40(2) has been applied to the information to protect personal information as governed by the Data Protection Act 2018. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in deciding to withhold the information. All correspondence including individual board members grading scores and hand written notes containing personal data after the board have been destroyed in accordance with the ACF Regulations.

Under section 16 (Advice and Assistance) you may find it useful to know that reasons behind the appointment would fall under the Data Protection regulations and would not be releasable. Additionally, you may find it useful to know that personal data is not obtainable under the FOI Act, however individuals can make a subject access request (SAR) under the Data Protection Act 2018. In order to make a SAR, please complete the attached form and forward it to the appropriate address indicated in the form.

In response to the second part of your second request, please note that there is no set form/waiver. Para's 2.3.2.5.1 and 2.3.7.2.8 above explain that CFAVs would be usually expected to leave at the age of 65, however this can be extended beyond this if there are no other suitable candidates. For a Commandant's post this would require a written authority from the RPOC Commander.

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). 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,

Manning Portfolio 2
Army Secretariat

Ministry
of Defence

Data Protection Act 1998 Subject Access Request (SAR) Form



Please write in **BLACK** in **BLOCK CAPITAL LETTERS** inside the boxes.

I am the Data Subject (The person the information is about): ☐

I am acting on behalf of the Data Subject: ☐ Please complete Parts 1, 3 and 4 plus Part 6 if necessary.

If you are seeking information on behalf of someone who is unable to act for themselves, you must explain your relationship, what information you require and why it is required. Please note that information relating to someone else will not be disclosed without the data subject's written consent or an appropriate Court Order or Power of Attorney. Accordingly I enclose:

The Data Subject's written consent to disclosure of the information requested at Part 3: ☐

A Court Order (e.g. Power of Attorney) permitting release of the information requested at Part 3: ☐

My relationship to the data subject is:

(Please specify e.g. Doctor/Solicitor/Spouse/Civil Partner/Father/Mother/Brother/Sister)

Part 1 – Data Subject Personal Details

Surname:		Full Forename(s):		Title:	
Service/Staff No:		Rank/Grade:		Date of Birth:	
National Insurance Number:		Contact Tel. No:		E-mail address:	
MoD Service	Civilian: <input type="checkbox"/>	Royal Navy: <input type="checkbox"/>	Date(s) of Joining:	Date(s) of Leaving:	
	Army: <input type="checkbox"/>	Royal Air Force: <input type="checkbox"/>			
	Home Guard (HG) <input type="checkbox"/>	County served in (HG)			

Please provide the address that you want the information sent to plus your daytime telephone number (*if different from above, in case we need to speak to you to discuss your request*). If seeking information on behalf of someone else please provide your full name.

Surname:		Full Forename(s):		Title:	
Address Line 1:		Daytime Telephone:			
Address Line 2:		County:			
Address Line 3:		Postcode:			
Town:		Country:			

Part 2 - What to do next

Please complete Parts 3 and 4 plus Part 6, if necessary, and forward the form (plus written consent and/or court order if acting on behalf of the data subject) to the appropriate address below:

Royal Navy:	RN Disclosure Cell, Mail Point G.2 Room 48, West Battery, Whale Island, Portsmouth, PO2 8DX	DECA:	Data Protection Adviser, HRBP, DECA Sealand, Welsh Road, Deeside, Flintshire, CH5 2LS
Army & HG	APC Secretariat, Disclosures 2, Mail point 535, Kentigern House, 65 Brown Street, Glasgow, G2 8EX	Hydrographic Office:	DPA Focal Point, UK Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN
Royal Air Force:	RAF Disclosures Room 14, Trenchard Hall, RAF Cranwell, Sleaford, Lincolnshire, NG34 8HB	MoD Civilians:	Defence Business Services Mail and Scanning Hub, PO Box 38, Cheadle Hulme, Cheshire SK8 7NU
RFA Seafarers:	RFA Pers Ops, Room 13, Mail Point G1, West Battery, Whale Island, Portsmouth, PO2 8DX	Serv Pers/Vets (AFPS, AFCS, WPS only):	Defence Business Services, Subject Access Request Team, Room 6303, Tomlinson House, Norcross, Thornton Cleveleys, FY5 3WP
DSTL:	DSTL SDPO, i-Sat B, G01, Bldg 5, DSTL, Porton Down, Salisbury, Wilts, SP4 0JQ	Others e.g. the Public	Main Building, 2.B.45, Horse Guards Avenue, Whitehall, London SW1A 2HB

PRIVATE (When completed)
Data Protection Act 1998 - MOD Subject Access Request - MOD Form 1694

Part 3 – Information Requested

State clearly the information you require, with dates where known *e.g. my medical records while serving at HMS Centurion 1990-1993*

Please provide as much information as possible to assist us in locating your data

Continue using Part 6, if necessary

Please enter the number of Continuation Sheets used:



The MoD will use the information provided to locate the data sought. Your request will be processed in accordance with Departmental personnel policies under the Data Protection Act 1998.

Part 4 – Declaration by Requestor

Verification of identity is required before your request can be processed:

I enclose as verification of identity a photocopy of my: Passport: ☐ Driving Licence: ☐ Utility Bill: ☐ Other: ☐

I declare that, to the best of my knowledge, the information I have provided on this form is correct.

Signature:

Name in Capitals:

Date:

Part 5 – MoD Use Only

Actioned By:
(Name in Capitals)

Date Received:

SAR Reference No:

Signature:

Date Responded:

PRIVATE (When completed)

PRIVATE (When completed)
Data Protection Act 1998 - MOD Subject Access Request - MOD Form 1694

Part 6 – Information Requested Continuation Sheet

Only use this sheet where you have been unable to detail all of the information you are requesting at Part 3.

Name in Capitals:		Service/Staff No:		Date:	
-------------------	--	-------------------	--	-------	--

Please provide as much information as possible to assist us in locating your data

Continue using another Part 6 sheet, if necessary

Continuation Sheet No: