



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
[INFORMATION RIGHTS]**

Case No. EA/2010/0054

ON APPEAL FROM:

**Information Commissioner's
Decision Notice No: FS50202116
Dated: 14 December 2009**

BETWEEN:

PROFESSOR PREM SIKKA

Appellant

-and-

THE INFORMATION COMMISSIONER

Respondent

-and-

THE COMMISSIONERS OF HER MAJESTY'S TREASURY

Additional Party

On the papers

Date of decision: 11 July 2011

**Before
CHRIS RYAN
(Judge)
and
MALCOLM CLARKE
ALISON LOWTON**

Subject matter: Personal data s.40
International relations s.27
Public interest test s.2

Cases:

Corporate Officer of the House of Commons v Information Commissioner and others [2008] EWHC 1084 (Admin).

Armstrong v Information Commissioner and HMRC (EA/2008/0026)

DECISION OF THE FIRST-TIER TRIBUNAL

The appeal is allowed and the Decision Notice dated 14 December 2009 is substituted by the following notice:

Dated	14 December 2009
Public Authority	HM Treasury
Address	1 Horseguards Road London SW1A 2HQ
Complainant	Professor Prem Sikka

The Information Commissioner's Decision Notice FS50202116 is varied to the effect that the public authority did not deal with the Complainant's information request in accordance with the Freedom of Information Act 2000, save that it was entitled to withhold the information identified in Confidential Schedule 3 to the First-tier Tribunal decision below. The Public Authority is accordingly directed to disclose the "Sandstorm Report" (as identified in the decision below), redacting only the information identified in Confidential Schedule 3. The disclosed version should include the information in Confidential Schedules 1 and 2.

REASONS FOR DECISION

Introduction

1. We have decided that certain names, which the Information Commissioner decided in his Decision Notice were properly redacted from a draft report into the financial affairs of the Bank of Credit and Commerce International in 1991, should be disclosed. We have reached that conclusion because, with a few exceptions, disclosure would not breach data protection principles, with the result that the exemption provided by section 40 of the Freedom of Information Act did not apply. We have also decided that some information in the same materials relating to a foreign state should not be redacted because, although its disclosure would, or would be likely to, prejudice international relations (so that the exemption in section 27 of the Freedom of Information Act is engaged) we were not convinced that the public interest in maintaining that exemption outweighed the public interest in disclosure.

Background Facts

2. In March 1991 the Bank of England, which at the time was responsible for the supervision of the UK banking sector, instructed Price Waterhouse to undertake an audit of The Bank of Credit and Commerce International ("BCCI"). On 24 June 1991 Price Waterhouse submitted a draft of its report. The report was never finalised, but the Bank of England relied on the draft to justify its decision to order BCCI immediately to close down its activities in the UK. That led to the collapse of BCCI into insolvency, owing creditors around the world something in the region of US\$10 billion.
3. Price Waterhouse had given their audit project the code name "Sandstorm" and the draft report has generally come to be known as the "Sandstorm Report". We will refer to it by that term or simply as "the Report".
4. On 5 March 2006 the Appellant, Professor Sikka, submitted a request to The Commissioners of Her Majesty's Treasury ("the Treasury") for a copy of the Sandstorm Report. Under section 1 of the Freedom of Information Act 2000 ("FOIA") the Treasury, as a public authority, was obliged to disclose information it held that fell within the scope of the request, unless it could rely on one of the exceptions (going to the circumstances of the request), or exemptions (going to the content of the requested information), set out elsewhere in the FOIA.
5. By the time Professor Sikka made his request an almost complete copy of the Sandstorm Report had been published on the internet, even though it had never been formally published by the Bank of England.
6. The published version of the Sandstorm Report had a number of names redacted and did not include section 1, entitled, "History and current status of problems". The Treasury provided the appellant with a copy of section 1 but redacted certain names in it. It claimed that it was not required to disclose the names that had been removed, from either the published version or section 1. It said that the information was exempt information under FOIA section 40 (2) (personal information).
7. The Treasury also redacted some sections of section 1 on the basis that they contained information that was exempt under FOIA section 27(1)(a) (prejudice to international relations).
8. Professor Sikka asked The Treasury to carry out an internal review of its decision and, when that did not produce a different conclusion, complained to the Information Commissioner on 16 May 2008. His complaint was made under FOIA section 50, under which he is entitled to ask the Information Commissioner for a decision whether, in any specified respect, his request for information had been dealt with in

accordance with the obligations imposed on a public authority by the FOIA.

9. The Information Commissioner issued a Decision Notice on 14 December 2009 in which he concluded that the Treasury had been justified in withholding the parts of the Sandstorm Report that it had not disclosed.

This Appeal

10. Professor Sikka launched an appeal to this Tribunal on 2nd March 2010. The progress of the appeal was interrupted by an, ultimately unsuccessful, challenge on the grounds that it had been filed out of time. However, it ultimately proceeded to be determined, by agreement, on the papers, without a hearing, with the Treasury being joined as an Additional Party. Evidence and written submissions (some of them in “closed” form) were filed by all parties. In the course of those pre-determination processes the parties agreed that, to the extent that the requested information had been published, it was exempt information under FOIA section 21 (so that it is only the redacted information that we need to consider). However, a new issue emerged, or became clarified. It was whether the Treasury held more information at the time of the original request, in that the Sandstorm Report includes mention of three appendices, which were not included in either the published version or the additional information disclosed to Professor Sikka. Although the point had not been made clear in the original Grounds of Appeal filed by Professor Sikka, the Treasury dealt with it in its written response and we have included it in the issues we should determine.
11. Professor Sikka supported his appeal with a witness statement that ran to 41 pages and was accompanied by an appendix comprising no less than 19 witness statements or letters of support from various Members of Parliament, NGO executives, academics and lawyers. A great deal of the material in the Appendix took the form of argument, rather than evidence, and stressed the perceived importance of full disclosure of the Sandstorm Report, expressed in quite general terms. It did not, on the whole, acknowledge that, as stated above, most of the document has been published and it is only the names and the short extracts said to prejudice international relations which have been withheld. In addition, several of the witness statements in the Appendix were in substantially identical terms, which materially detracted from their value.
12. The witness statement of Professor Sikka itself provided a certain amount of detail about the history of BCCI and the significance of both its collapse and the dishonesty and concealment that had preceded it. That much is also apparent from both the published version of the Sandstorm Report and other public documents such as the report published at the conclusion of the report of an enquiry conducted by

the late Lord Bingham into the supervision of BCCI under the Banking Acts (“the Bingham Enquiry Report”).

13. Professor Sikka’s relied on evidence and argument about the possibility of the Sandstorm Report having been absorbed into the public record of litigation between the liquidator of BCCI and the Bank of England. However, the evidence proved inconclusive and we concluded that the issue was of only limited assistance to us in reaching our decision.

The Relevant Law

14. FOIA section 1, headed “General right of access to information held by public authorities”, provides, in relevant part:

“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.”

Section 1 is expressed to be subject, among other provisions, to section 2.

15. FOIA section 2 provides that where any provision of Part II of FOIA states that a particular category of information is exempt from disclosure the obligation to disclose does not arise at all, if the exemption is classified as “absolute”, or, if it is classified as “qualified”, the obligation to disclose only arises if, under section 2(2)(b):

“...in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

16. FOIA section 27, which by virtue of section 2(3) is a qualified exemption, provides, in relevant part:

“(1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice –
(a) relations between the United Kingdom and any other State...”

17. FOIA section 40(2) provides that information is exempt information if it constitutes personal data of a third party the disclosure of which would contravene any of the data protection principles. Personal data is itself defined in section 1 of the Data Protection Act 1998 (“DPA”) which provides:

“personal data’ means data which relate to a living individual who can be identified-

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller”

18. Professor Sikka has stressed, in general terms, the public interest in having the whole of the Sandstorm Report published. We understand him to mean that this is a relevant issue, not only for the purposes of the public interest test under section 27, but also when considering whether disclosure would breach any of the data protection principles under section 40. Those principles are set out in Part 1 of Schedule 1 to the DPA. The only one having application to the facts of this Appeal is the first data protection principle. It reads:

“Personal data shall be processed fairly and lawfully, and in particular shall not be processed unless-

(a) at least one of the conditions in Schedule 2 is met ...”

Schedule 2 then sets out a number of conditions, but only one is relevant to the facts of this case. It is found in paragraph 6(1) and reads:

“The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.”

The term “processing” has a wide meaning (DPA section 1(1)) and includes disclosure.

19. A broad concept of protecting, from unfair or unjustified disclosure, the individuals whose personal data has been requested is a thread that runs through the data protection principles, including the determination of what is “necessary” for the purpose a legitimate interest. In order to qualify as being “necessary” there must be a pressing social need for it - *Corporate Officer of the House of Commons v Information Commissioner and others* [2008] EWHC 1084 (Admin).

20. Although, therefore, the section 40 exemption is an absolute one, we are required to balance the legitimate interests in disclosure against those criteria for fairness.

The issues to be determined on this Appeal

21. The issues we have to determine are:

- a. Whether or not the Treasury held the two appendices identified by Professor Sikka.
- b. Whether disclosure of the relevant part of the withheld information would or would be likely to prejudice relations between the UK and the State identified by the Treasury in closed evidence.
- c. If such prejudice would, or would be likely to occur, so that FOIA section 27 is engaged, whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information at the material time.
- d. Whether or not disclosure of the names redacted in the published version of the Sandstorm Report, or the disclosed version of section 1 disclosed to Professor Sikka, would be contrary to the data protection principles. This requires us to consider, in respect of each element of the withheld information,:
 - i. whether disclosure at the time of Professor Sikka's information request would have been necessary for a relevant legitimate purpose; without resulting in
 - ii. an unwarranted interference with the rights and freedoms or legitimate interests of each of the individuals names in the Sandstorm Report; and, even if those tests are satisfied
 - iii. whether disclosure would have been fair and lawful.

22. We will deal with each of those issues in turn.

Did the Treasury hold the additional appendices?

23. It has only been rather late in the process of handling the Appellant's information request that the issue has arisen as to whether the version of the Sandstorm Report published on the internet in redacted form, together with the covering letter disclosed to the Appellant in response to his information request (also in redacted form), constituted the whole of the information held by the Treasury at the time of that request, and falling within its scope. It does not appear to have featured in the correspondence between the Appellant and the Treasury or in the Information Commissioner's investigation and is not mentioned in his Decision Notice.

24. As mentioned, the original request was for the draft report delivered to the Bank of England on 22 June 1991 and the Treasury, in responding confirmed that it held an un-redacted version of it. That document was subsequently released to the Appellant in redacted form, together with a copy of a covering letter, also redacted. In the course of his written Response on this Appeal the Appellant stated that, by comparing the document that the Treasury disclosed against material held at the US Congress Library, he concluded that there were three appendices, only one of which accompanied the document disclosed to him. The Contents page of the Sandstorm Report certainly lists a total of three appendices. Appendix II is identified as "History of Sandstorm's

results” and Appendix III is identified as “Statement by [the individual identified under item 9 in Confidential Schedule 2 to this Decision] of fictitious profits and losses”. However, in correspondence the Treasury confirmed that, despite those indications, the document that the Treasury held ended with Appendix I. That is supported in part by the contents of paragraph 1.14 of the Report, which refers to appendix II as being “outstanding”, indicating that it was not included in the draft but may have been intended to be added later. Given that it was only to be an historical summary it is perhaps not surprising that the main report was delivered in draft with this element of detail being intended to be added later. In the event it is common ground that the Bank of England acted on the basis of the draft and that no final report was ever prepared.

25. The report also includes a statement that the individual mentioned in the contents page had provided the BCCI management with a record of the trading activities he had conducted up to the time that he left BCCI in 1986. It may be assumed that this is the same document that Price Waterhouse intended to annex to the final report for completeness but that, being by then an historical document possibly well known to the Bank of England as a result of questions put to BCCI and its auditors previously, it was not thought necessary to include it with the draft. In these circumstances we believe that the statement by the Treasury that it does not hold the appendices in question is entirely credible. It is, of course, impossible to be certain that they did not exist and became separated from the rest of the draft report while in the Treasury’s possession. But, on the balance of probabilities, we are satisfied that the Treasury does not hold additional documentation and did not do so at the time of the original request.

Prejudice International Relations

26. We were provided with detailed closed submissions on this point, together with a full witness statement from a senior Foreign Office official and an unredacted copy of the Sandstorm Report in which the material said to be covered by the section 27 exemption was clearly identified. For obvious reasons Professor Sikka was not able to respond to that material, but could only speculate on the identity of the foreign state said to be affected by disclosure. He argued that, whatever the state concerned and the public interest in maintaining secrecy, it did not outweigh the public interest in disclosure.
27. We set out in Confidential Schedule 1 our reasons for finding that the exemption was engaged, based to a great extent on the official’s evidence about the history of the UK’s relations with the country in question and his perception that publication of the withheld information at the time when the request was refused would have exacerbated certain old wounds.

28. The Treasury accepted that there was a general public interest in transparency to encourage informed public debate. It conceded that this carried particular force in the case of the collapse of a bank the size of BCCI and in light of the questions that arose as to the rigour and effectiveness of its supervision in this country. However, it stressed that it was only the withheld information, and not the Report as a whole, that had to be considered. It suggested that adding to the published version of the Sandstorm Report the few mentions made of the country in question, or its government, would not make any significant contribution to the debate. It said that this was particularly so because many of the relevant facts had appeared in the Bingham Enquiry Report and in a report published by a committee of the US Senate. The Treasury also accepted that there was a public interest in academics and others having access to the full history of the BCCI collapse.
29. In our view there is considerable public interest in the public seeing the whole of the Sandstorm Report so that it can be seen, not just what happened, but what role was played by the governments, institutions and individuals who were involved with an organisation guilty of what the authors of the Sandstorm Report (paragraph 10.1) described as *“an enormous and complex web of fictitious transactions in what is probably one of the most complex deceptions in banking history”*.
30. Although the material proposed to be redacted under this exemption comprises just a few sentences in a 44 page report, it does contribute a very relevant element to the story as a whole. And we do not think that the public interest is materially reduced by the appearance of much of the same information in other published reports. The public has an interest in seeing how each of those who carried out an investigation illuminated the facts and assessed the actions of those who were involved, whether they contributed to the problems, tried to resolve them or played a neutral role. The weight we apply to this element of public interest has been heavily influenced by our view of the importance of the events surrounding the collapse of BCCI, the serious ramifications it had for many innocent people caught up in it and the questions it raised about the regulation and auditing of a large international institution.
31. The Treasury, supported by the Information Commissioner, sought to persuade us that, whatever significance we applied to the public interest in disclosure, it was outweighed by the public interest in avoiding the serious prejudice that publication would cause to the relationship between the UK and the country in question. We assess the strength of that argument in Confidential Schedule 1 and, for the reasons set out there, conclude that the public interest in maintaining the exemption did not outweigh the public interest in disclosure.
32. For the purposes of this open part of our decision we simply record that, having considered the information that would have been released,

we were not convinced that the public interest in maintaining the exemption outweighed the public interest in disclosure. We are conscious that, in reaching that conclusion, we are reaching a conclusion that is different to that of the Treasury witness mentioned above. We comment here only that we acknowledge that, although obviously not as independent as many expert witnesses, his views were sincerely held and he undoubtedly has considerable background knowledge and experience on the issues he addressed. But the decision, ultimately, must be ours. It would not be appropriate to delegate our role to any witness by saying, in effect, that he or she will know the answer better than we, by virtue of his or her seniority and expertise. That would have the effect of making the exemption an absolute one and render any appeal pointless. The fact that the exemption is not absolute requires us to apply our critical faculties to the reasons put forward by the witness in order to assess the seriousness of the risk and the degree of harm likely to arise. This is particularly important where, as here, Professor Sikka has not been able to respond to the reasoning of the witness by either expert evidence or written submissions. However the Information Commissioner did make submissions which, while generally in support of the Treasury's case, did point out that some of the evidence relied on raised issues that would not have applied at the time when the information request was refused.

33. We conclude, therefore, that the public interest in maintaining the section 27 exemption does not outweigh the public interest in disclosure and that the relevant parts of the withheld information summarised in Confidential Schedule 1 should have been disclosed.

Disclosure of names would breach data protection principles?

34. The Information Commissioner decided that the Treasury had been justified in withholding the names it did on the ground that disclosure would have breached the data protection principles in respect of a number of data subjects. The Appellant did not address the issues arising under FOIA section 40 in his Grounds of Appeal although, in reiterating his strongly held view that disclosure was in the public interest, he might be said to have accentuated the legitimate interest he considers exists in the full story of the BCCI financial debacle being disclosed, to the extent that the Sandstorm Report contributes to it, including individuals' names. However, he did not, either in his Grounds of Appeal, evidence or written submissions deal with the other factors which, as explained above, must be taken into account in deciding whether the section 40 exemption applies. The point is nevertheless in issue and we must deal with it, despite the absence of detailed submissions focused on it.

35. In his Decision Notice the Information Commissioner adopted the following categorisation of the names, proposed by the Treasury:

- a. Names of individuals who were employed by BCCI at the time of the Sandstorm Report, or had previously been so employed;
- b. Names of individuals who had had financial dealings with BCCI (which we took to mean that they had loans from, had invested in, or had placed deposits with, BCCI); and
- c. Names of companies or organisations from which individuals could be identified.

36. The first two categories clearly have the capacity to be personal data. The Information Commissioner was also prepared to accept that in the unusual circumstances of this case, information falling within the third category also constituted personal data. He reached that conclusion on the basis of the following very short (and, as we shall explain later, inadequate) analysis:

“...the Treasury has explained that given the amount of information in the public domain about BCCI, disclosure of certain company names could lead to the identification [of] particular individuals. The Treasury has provided the Commissioner with a number of examples which demonstrate this point.”

The examples relied on were set out in a letter to the Information Commissioner from the Treasury, which was dated 21 September 2009 and was included in the closed bundle. The examples were:

- a. The Sandstorm Report referred to the involvement of brokers who may have facilitated the manipulation of BCCI's profits. The letter then added *“This reference may lead to the identification of individual brokers employed by these companies”*. No further references were made to any elements of the report that might have enabled an individual to be identified. We could see none. Nor did the Treasury indicate, in either this letter or any evidence it presented to us, that it held other information as data controller that would enable an individual to be identified for the purposes of the definition of personal data in DPA section 1(1). In those circumstances we do not believe that we have any basis for concluding that the reference in the Sandstorm Report to these companies constitutes any individual's personal data. Even if it did we do not believe that, for the reasons set out in Confidential Schedule 1, disclosure would breach the data protection principles
- b. In respect of a particular company, this was said to have been affiliated to BCCI and it was said that there were allegations of collusion with the managing director of the company to generate false profits for BCCI. Accordingly, it said, a reference to the company may also be considered to be reference to the individual. If the individual could be identified in this way, we consider that his or her close association and possible collusion with the deeply corrupt senior management of BCCI gave rise to a strong legitimate interest in disclosure and that disclosure of

information about that relationship would not be unfair or constitute an unwarranted interference with the rights and freedoms or legitimate interest of the individual in question.

- c. The Treasury said that the mention of the initials of a particular nation's investment vehicle would enable both the organisation and certain individuals to be identified. These included the head of the nation in question, an individual who had been involved in the organisation's business and a second individual (identified at item 51 in Confidential Schedule 2) who had taken a loan from the organisation to enable him to buy back BCCI shares. In the case of the head of the nation, issues arise under FOIA section 27, to which we shall return later. In the case of the individual who the Treasury stated operated the investments, his role is not covered in the Sandstorm Report but, as explained below, we believe that those having senior management positions in either BCCI or other organisations that were closely involved in the unlawful elements of its activities should be identified. We include this individual in that group, given the information about the organisation that we have set out in Confidential Schedule 2. As regards the third individual, who borrowed funds from the organisation, we name him in Confidential Schedule 2 (item 10B) as someone who should be identified, given the nature of his dealings with BCCI.
- d. The Treasury mentioned a name that could have been that of one of two brothers reported to have had links with BCCI, but could also have been the name of a group of companies, with which they were also involved. We have mentioned all three in Confidential Schedule 2 and, for the reasons given there, believe that they should all be identified. There is a legitimate interest in their relationship and dealings with BCCI being disclosed and, even if every mention of the name in the report is to an individual, we believe that disclosure of information about that relationship and dealings would not be unfair or constitute an unwarranted interference with the individual's rights and freedoms or the legitimate interest of the individual in question.

37. For the purpose of our determination, as mentioned above, the Treasury provided us with a copy of the Sandstorm Report in unredacted form, but with the withheld names marked in colour, depending on the exemption relied on. Yellow was selected to indicate that withholding a particular name was based on section 40. We found to our surprise that a number of companies and organisations were marked in this way, including international trading concerns and several international banks. No explanation at all was provided, in amplification of the samples referred to above, to explain how any individual or individuals could be identified from those names. We are not prepared to follow the example of the Information Commissioner in reaching a conclusion on the basis of a small, and quite clearly unrepresentative, sample of company names. In the absence of any evidence or explanation as to why publishing the names would disclose

personal data we accordingly direct that all the names of companies or organisations set out in the confidential schedule, including those mentioned in the previous paragraph (but with the exception of the one identified at item 7 in Confidential Schedule 3) should be disclosed.

38. The Information Commissioner decided that, in relation to individuals, he should adopt the cautious approach of assuming that names not appearing in the redacted version of the Sandstorm Report published on the internet have not been publicised elsewhere (for example in the course of various court cases and enquiries that have taken place as a result of BCCI's collapse). We agree that was a sensible approach to adopt as it avoids disproportionate effort in investigating all such cases and enquiries and errs in favour of protecting privacy.
39. The Information Commissioner also acknowledged that there was a legitimate interest in informing the public about the collapse of BCCI, but he did not think that it was therefore necessary to disclose all the names of individuals in the Sandstorm Report in order to ensure transparency and accountability. We agree that it is necessary to consider the legitimate interest served and whether it may be served by any means less intrusive than the disclosure of personal data. If it may only be served by the disclosure of personal data, which is likely to be the case when the issue is responsibility for the mismanagement and ultimate collapse of a bank, it is necessary, as the Information Commissioner decided, to then consider if such disclosure is fair and lawful including, in the circumstances of this case, whether disclosure would constitute an unwarranted interference (or prejudice) to the rights, freedoms or legitimate interests of the individual.
40. The Information Commissioner decided that the names of employees should not be disclosed, whether or not their involvement with BCCI had previously been raised in the course of criminal proceedings. He felt that, if they had been convicted, there was considerable weight to the argument that it would be unfair to raise their involvement again, some 15 years or more after the event. And if they were acquitted, or faced no criminal action, there would be unfairness in blighting future employment prospects by disclosing, in 2007, their involvement with BCCI some years previously, including information about the actions and decisions they took while in its employ.
41. In our view the question should turn on the seniority of the individual and the evidence of how they performed at the time. A detailed review of the Sandstorm Report makes it clear that, in nearly every case, the employee named held a senior position and had been identified because he or she had been involved in unlawful transactions or attempts to conceal the financial consequences of those transactions and/or serious mismanagement. We have set out the detail in Confidential Schedule 2 and have explained, in respect of each one, whether or not it would be a breach of the data protection principles for

the name to be disclosed, and why. The exceptions, employees whose names should not be disclosed, are set out in Confidential Schedule 3.

42. We were surprised to see that the Treasury sought to extend the protection of the data protection principles to information about some individuals who exercised ultimate control over the whole of BCCI's operations and were the architects of a group-wide programme of fraud and concealment, not to mention the creation of a culture that led others with positions of responsibility within the bank to follow their lead.
43. In this connection we were referred to the earlier decision of this Tribunal, then called the Information Tribunal, in *Armstrong v Information Commissioner and HMRC* (EA/2008/0026), which included a statement to the effect that information featuring in a public trial does not necessarily remain in the public domain thereafter and will, in any event, very probably only be communicated to a limited number of people. We think that information emerging in the course of criminal trials arising out of one of the most catastrophic bank failures of history, caused in large part by fraud and deception, is likely to remain in the public domain, certainly among those involved in the banking sector and its regulation, for a long time. And we do not believe that it would be appropriate for us, in the context of this particular case, to facilitate the creation of a protective wall of privacy that was removed in the course of those trials.
44. As regards the potential impact on future employment prospects of those who were acquitted or never prosecuted, we believe that any truthful job application and curriculum vitae will, in any event, include mention of time spent in the employment of BCCI. We do not think that those individuals mentioned in the confidential schedule, whose names we say should be disclosed, should be encouraged to omit or misrepresent this part of their career history, given the criticism voiced in the Sandstorm Report and the importance of employee competence and honesty to future employers in the banking sector.
45. In the particular circumstances of the BCCI collapse we do not think that the passage of time, although considerable, strengthens the argument for privacy. If anything it weakens it.
46. Although the Information Commissioner did not specifically refer to them, one or two of those named in the Sandstorm Report were directors of BCCI. The identity of a company's directors is a matter of public record. In taking on the role of director of a substantial international bank the directors of BCCI will have been aware of that and that it was an essential part of their stewardship role that customers and those having dealings with the bank should know who they were and should have the means of gaining access to them. For this reason we do not believe that the fact that an individual is a director is the sort of personal data that may not be disclosed without

breaching the data protection principles. That general rule applies with particular force where, as here, the company whose management the directors monitored was guilty of fraud on a major scale. Accordingly, we believe that a director's name should be disclosed even if he or she had not been suspected of having knowledge or, or involvement in, the unlawful activities being conducted by senior management.

47. In the case of those who had conducted business with BCCI, the Information Commissioner correctly highlighted the importance of confidentiality in the banker/customer relationship. We fully support that in the case of an account holder, whether a net borrower from, or lender to, the bank in question. We have identified a few individuals who may, given the benefit of the doubt, have fallen into that category of what we would call "ordinary" customers – we provide details, including our reasons for refusing disclosure, in Confidential Schedule 3. In the vast majority of cases, however, the individuals named in the Sandstorm Report were not ordinary customers, but had become involved in the many complex and frequently incestuous transactions that enabled the BCCI management and a number of organisations and individuals close to it to commit or conceal fraud. Those frauds led to severe financial hardship for many of the "ordinary" customers and we have explained in Confidential Schedule 2, by reference to each individual, why we consider that there is a legitimate interest in disclosing their involvement and that this will not cause unfairness or unwarranted intrusion into their privacy.
48. The Information Commissioner accepted that an individual's dealings with BCCI might have already been public knowledge before the information request was rejected. However, he accepted the Treasury's argument that, simply because an individual's association with BCCI is in the public domain, it does not follow that it is fair to disclose the detail of their financial arrangements. That may be fair, as a general approach, but, for the reasons set out in Confidential Schedule 2 in respect of each of the individual's concerned we believe that it is fair, and not an unwarranted intrusion on privacy, to disclose the names in the context of a report that demonstrates the nature of the transactions they carried out with, and in some cases as nominee or agent for, BCCI.

Conclusion

49. For the reasons given above we conclude:
- a. that the only information held by the Treasury at the relevant date was the unredacted materials made available to us in closed evidence and that this did not include an appendix II or appendix III;
 - b. that the section 27 exemption was engaged but that the public interest in maintaining it did not outweigh the public interest in disclosure; and

- c. that the section 40 exemption was not engaged in respect of all but a small number of individuals for which it was claimed].

50. The Treasury is therefore directed to disclose to Professor Sikka, within 35 days of the date of this decision, an unredacted form of the Sandstorm Report and its covering letter, save only for the names set out in Confidential Schedule , which may be redacted.

51. The Confidential Schedules are to be treated as follows:

- a. Confidential Schedule 2 will remain confidential until either the period for appealing this decision has expired, with no appeal under section 27 having been lodged, or such appeal has been dismissed or withdrawn.
- b. Confidential Schedules 1 and 3 are to remain confidential until further order from either this Tribunal or any tribunal or court having appeal or review jurisdiction in respect of its decisions.

52. Our decision is unanimous.

Judge C Ryan

11 July 2011

**SIKKA V INFORMATION COMMISSIONER AND HM TREASURY
EA/2010/0054**

CONFIDENTIAL SCHEDULE 2

SECTION 40 ENTRIES IN SANDSTORM REPORT TO BE DISCLOSED

Number	Redacted Name	Context	Determination
1	Mr Zafar Iqbal	First mention is in the covering letter to Bank of England dated 22 June 1991, under which the draft Sandstorm Report was delivered, contains two mentions of Mr Iqbal by name as the Chief Executive of BCCI. These are the first of many mentions of Mr Iqbal (the rest being in the body of the report itself). The letter records that it was he who drew the attention of the Bank of England to certain irregularities in the running of BCCI (but the report itself suggests that he did not initially disclose information to Price Waterhouse “even in response to direct questions”). Paragraph 1.27 of the report, in highlighting particular concerns about the senior management, mentions evidence of his approval of certain questionable transactions booked through the accounts of a high ranking individual and used to	The legitimate interest of the public in knowing and understanding how the BCCI collapse occurred justifies disclosure of the identity of the man in overall charge of its operations, even though he only assumed that role latterly. There is no unfairness or unwarranted intrusion into his privacy by his name been mentioned in the context of the Sandstorm Report or its covering letter, given the role he played, the criticisms of his conduct in the report itself and the extent to which it has already been publicised. Consequently all mentions in the Sandstorm Report of his name or his position should be disclosed.

Number	Redacted Name	Context	Determination
		repurchase Sandstorm's shares from another individual. It also mentions that during the year preceding the Sandstorm Report he had "given additional responsibilities to various individuals...who appear to have been involved in fraudulent transactions".	
2	Mr Agha Hassan Abedi	First mention is in the covering letter to Bank of England dated 22 June 1991. At this stage he is only referred to as "the former Chief Executive Officer" but his identity can very easily be determined from the Sandstorm Report itself, which explains his role as the founder of BCCI in 1972, the manner in which he ran it and the steps he took to disguise mismanagement of its finances by the manipulation of its financial records. He is mentioned throughout the Sandstorm Report in terms that make clear his pivotal role in both the development and decline of BCCI and the fraud and deception carried out by its management.	The legitimate interest of the public in knowing and understanding how the BCCI collapse occurred justifies disclosure of the identity of the man in overall charge of its operations for many years during its development and the early stages of its decline into insolvency. There is no unfairness or unwarranted intrusion into his privacy by his name been mentioned in the context of the Sandstorm Report or its covering letter, given the role he played and the extent to which it has already been publicised. Consequently all mentions in the Sandstorm Report of his name or his position should be disclosed.
3	Mr Swaleh Naqvi	First mention is in the covering letter to Bank of England dated 22 June 1991, which identifies him as Mr Abedi's deputy. The Sandstorm Report itself mentions him on a number of occasions in the course of identifying transactions with which he was involved. For example, paragraph 1.10 it accuses him of having concealed losses "in an enormous and complex web of fictitious transactions in what is probably one of the most complex deceptions in banking history" and in paragraph 1.23 as being one of those involved in "strategic decisions to	The legitimate interest of the public in knowing and understanding how the BCCI collapse occurred justifies disclosure of the identity of the man who worked alongside Mr Abedi, in a very senior position, during BCCI's development and the early stages of its decline into insolvency. There is no unfairness or unwarranted intrusion into his privacy by his name being mentioned in the context of the Sandstorm Report or its covering letter, given the role he played and the extent to which it has already been publicised. All mentions of his name or job

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		manipulate accounts ...”	description in the Sandstorm Report should be disclosed.
4	The person identified in paragraph 2 of Confidential Schedule 1 ¹	First mention is in the covering letter to Bank of England dated 22 June 1991. At this stage, and later in paragraph 6.26 (where it is stated that \$25 million was drawn down in the accounts of the Ruler of Dubai and others and paid to Hashim Shaikh to adjust certain Gulf Group entries) the individual is only referred to by reference to his position, but his identity can very easily be determined from the Sandstorm Report itself and other publicity.	The disclosure of this information is resisted by the Treasury on the basis of both section 27 and section 40. We have decided that withholding this information is not justified under section 27 (see Confidential Schedule 1). We also consider that it is not exempt under section 40. The identification itself makes it clear that it is the individual’s public persona that is under consideration in the Sandstorm Report. Given the legitimate interest in knowing and understanding the role played by this individual and the entity he represented in the attempted rescue and ultimate collapse of BCCI, we believe that disclosure of this individual by name or title would not constitute an unwarranted interference into privacy. All mentions of the name or title in the Sandstorm Report should be disclosed
5	Gulf Group	A group of companies that became a very large debtor to BCCI. The Sandstorm Report explains that it was in financial difficulty as early as 1978 and that a very significant account manipulation occurred over many years to disguise the resulting impact on the finances of BCCI. It is listed in a table of “problem loans” of having net indebtedness to BCCI of \$548 million and that the “exposure [was] significantly understated due to use of external funding.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if it were personal data there is a very significant public interest in knowing and understanding the relationship between the Gulf Group and BCCI and the role it played in the latter’s collapse into insolvency. The Bingham Report contains detail of the interdependence that developed between BCCI, on the

¹ Anonymity is maintained at this stage in case the result of any appeal from our decision is that the section 27 redactions are permitted but the section 40 ones are not.

Number	Redacted Name	Context	Determination
			one hand, and the Gulf Group and its shareholders on the other, as well as the false and deceitful recording of transactions between the two. All mentions of the name in the Sandstorm Report should be disclosed.
6	NCB or National Commercial Bank	First mention is in the covering letter to Bank of England dated 22 June 1991. There is an unredacted mention of it in paragraph 1.12 (6) of the Sandstorm Report in the context of “agreements with and unrecorded borrowings through third party banks” and a redacted mention in paragraph 3.2, where it is suggested that Mr Kazmi (see 21 below) controlled some accounts at NCB that were, or had been, used to move funds in order to cover BCCI’s exposure on certain loan accounts. More detail of those arrangements is set out in paragraph 3.8. National Commerce Bank, Bahrain is also mentioned in paragraph 8.5 as having an account in the name of Fork.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. That decision applies with particular force to the names of banks operating in international finance. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of banks used by BCCI to move funds in order to disguise its exposure to the Gulf Group. All mentions of the name in the Sandstorm Report should be disclosed.
7	ADIA	This has been identified in the Treasury’s letter to the Information Commissioner dated 21 September 2009 to be the Abu Dhabi Investment Authority, responsible for Abu Dhabi’s investments and operating under the control of Ghanim Faris Al Mazrui (see 51 below). There is an unredacted mention of it in paragraph 1.12 (6) of the Sandstorm Report in the context of “agreements with and unrecorded borrowings through third party Financial institutions”. Paragraphs 6.9 and 6.12 disclose that it subscribed for shares in WXYZ as part of a scheme for BCCI to acquire First America Bank. According to	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in holding shares as nominees as part of BCCI’s attempt to acquire a US bank. All mentions of the name in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
		paragraph 7.6 its loans to Fork were serviced in part by funds that BCCI held on behalf of Tumbleweed.	
8	“Non-performing loans”	Sub-heading above paragraph 1.5	We have no means of knowing why this has been redacted. It appears to be a simple mistake but, for completeness, we confirm that it should be disclosed.
9	Z Akbar (also referred to as Ziauddin Akbar)	He is first mentioned in paragraph 1.9, where he is identified as the person who controlled BCCI’s Treasury operations until 1986. He resigned at that stage, following the discovery of significant losses on option trading, passing to Mr Naqvi a record of his unorthodox financial activities, which he (Mr Naqvi) attempted to resolve but “could not bring himself to make full disclosure, which would almost certainly have brought the bank down” (paragraph 1.9). In paragraph 1.24 of the report it is recorded that Mr Naqvi claimed that the inflation of Treasury profits and use of unrecorded deposits had been Akbar’s responsibility alone although Price Waterhouse thought that it was “more likely that Akbar was responding to the expectations of Abedi and Naqvi...” There are further mentions later in the report, in relation to Treasury activities and BCCI Grand Cayman branch, and a statement in paragraph 4.11 to the fact that, after he had left, Akbar blackmailed BCCI into paying him \$32 million to prevent him disclosing the true nature of the activities of the Treasury Division.	Although Mr Akbar left BCCI some five years before its financial collapse he had held a senior position in which he had been directly responsible for heavy losses. The manner in which those losses were handled by his successors in management formed part of a pattern of non-disclosure and disguise, which formed a significant part of the corruption at the centre of BCCI’s operations. His own activities in blackmailing BCCI, and the fact that BCCI had sufficient concerns at the time that it succumbed to such blackmail, create further legitimate interest in the public seeing the whole history of those events, including the identity of those playing a leading role in them. There is no unfairness or unwarranted intrusion into this individual’s privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of his name or job description in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
10A	Mahfouz Family	Paragraph 1.17 of the Sandstorm Report, under the heading, “Problem Loans” sets out information on what had been described in paragraph 1.16 as “a portfolio of problem loans of some \$4 billion” which, as explained in paragraph 1.16, were transferred in May 1991 at book value to, or at the direction of, the international state identified in Confidential Schedule 1 ² as providing financial support to keep BCCI alive. Against the individuals identified the Sandstorm Report refers to “fictitious loans set up in connection with repurchase of shares” creating an estimated loss for BCCI of \$213 million.	We adopt the cautious approach of assuming that the general descriptive phrase would enable one or more individuals to be identified and that this is therefore personal data. There is a legitimate interest in the public knowing and understanding who was involved in transactions with BCCI involving the repurchase of shares in the circumstances explained in the Sandstorm Report. There is no unfairness or unwarranted intrusion into the privacy of these individuals by the family being mentioned in the context of the Sandstorm Report, given the role played in the handling of the crucial “problem loan” portfolio. All mentions of the name in the Sandstorm Report should be disclosed.
10B	Sheikh Khalid Bin Mahfouz	Paragraph 1.35, in a section of the report headed “shareholders” reports that Price Waterhouse saw circumstantial evidence of an “out of book” loan from ADIA in 1988 to finance the, possibly unauthorised, buy-back of shares from this individual. He was also involved in the repurchase by Burford of shares in WXYZ under the terms of a buy-back agreement, as described in paragraph 6.13. It is explained in paragraph 6.27 that he was the owner of “SNCB” which conducted certain transactions with BCCI about which Price Waterhouse reported “The collusion of SNCB and its owner Sheikh Khalid bin Mahfouz in the fraud	There is a legitimate interest in the public knowing and understanding who was involved in transactions with BCCI involving the repurchase of shares in the circumstances explained in the Sandstorm Report. There is no unfairness or unwarranted intrusion into the privacy of these individuals by being mentioned in the context of the Sandstorm Report, given the role played in the handling of the crucial “problem loan” portfolio. All mentions of the name in the Sandstorm Report should be disclosed.

² Anonymity is maintained at this stage in case the result of any appeal from our decision is that the section 27 redactions are permitted but the section 40 ones are not.

Number	Redacted Name	Context	Determination
		perpetrated on [BCCI] appear to have been a major factor in allowing it to go undetected.	
11	Sheikh AA Ibrahim	Mentioned in the table of “problem loans” (see 10 above) on page 5 of the Sandstorm Report, with the following explanation – “in 1985 Ibrahim deposited \$100 million to be invested in Sandstorm shares on a guaranteed return basis. No shares were transferred and the deposit was misappropriated. On ‘disposal’ and repayment the bank created these fictitious loans.”	There is a legitimate interest in the public knowing and understanding that, unlike the vast majority of small depositors in BCCI, many of whom lost everything in its insolvency, certain favoured customers were given preferential treatment. Even if the individual was not directly involved in, or aware of, the deception applied to disguise the repayment of his deposit, his knowing involvement in the original arrangement means that there is no unfairness or unwarranted intrusion into privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
12	Attock Oil	Mentioned in the table of “problem loans” (see 10 above) on page 5 of the Sandstorm Report, with the following explanation – “owned by Fork [identified elsewhere in the report as Fork Investments which was used by Naqvi as a conduit through which funds under BCCI management were misappropriated] through nominee shareholdings. Whilst Attock had certain operative accounts, these accounts [i.e. the accounts in the “problem loans” table with exposure of \$92 million] are non-operative and contain fictitious transactions and charges”. In its letter to the Information Commissioner dated 21 September 2009 the Treasury said that there were allegations of collusion by the managing director of	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if it were personal data there is a very significant public interest in knowing and understanding the relationship and business dealing between BCCI and a subsidiary of Fork, which itself was heavily involved in the misappropriation of funds and the concealment of losses, possibly under the direct control of BCCI’s senior management. All mentions of the name in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
		the company to generate false profits for BCCI.	
13A	Pharaon,	<p>The Treasury has explained that it is not clear in every case whether a reference to Pharaon is in all cases a reference to Wabel Pharaon or his brother G R Pharaon or to a Pakistan group with which they were both involved called Pharaon Holdings. The name is mentioned in the table of “problem loans” (see 10 above) on page 5 of the Sandstorm Report, with the following explanation – “most of lending [creating a total exposure of \$442 million] is non recourse. Significant nominee arrangements and hold harmless letters, including arrangements of uncertain legality in relation to purchase of Independence Bank Inc and National Bank of Georgia. “Significant use of non recourse accounts for debt servicing; routing of internal and external funds: and share transactions.”</p> <p>It is said in paragraph 4.18 that funds loaned to BCCI were used in part to reduce borrowings by Wabel Pharaon</p> <p>G R Pharaon is mentioned in paragraph 4.21 as someone who held shares in BCCI as BCCI’s own nominee and was provided with funds for the acquisition from unrecorded deposits.</p>	<p>We have taken the cautious approach of assuming that all references are to an individual. There is a very significant public interest in knowing and understanding the relationship and business dealings between this individual and BCCI given his apparent role in supporting BCCI’s attempts to acquire banks in the USA, (probably involving transactions of doubtful legality and inadequate transparency) and the fact that he was also indebted to BCCI, with the indebtedness being reduced by funds obtained from loans made to BCCI. We do not believe that disclosure of his involvement in these transactions, which lie close to the centre of BCCI’s financial difficulties, would be an unwarranted interference with his privacy. Accordingly all mentions of his name or job description in the Sandstorm Report should be disclosed.</p> <p>If the reference is to a company the open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case.</p>
13B	The entry against this number is deliberately left		

Number	Redacted Name	Context	Determination
	blank.		
14	Independence Bank Inc	See the mention under 13 above as one of the targets for BCCI's attempted US expansion.	The open part of our decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of BCCI's targets for acquisition, especially given the manner in which the attempted acquisition was undertaken. All mentions of the name in the Sandstorm Report should be disclosed.
15	National Bank of Georgia	See the mention under 13 above as one of the targets for BCCI's attempted US expansion.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of BCCI's targets for acquisition, especially given the manner in which the attempted acquisition was undertaken. All mentions of the name in the Sandstorm Report should be disclosed.
16	Adham, also identified as Sheikh Kamal Adham	Mentioned in the table of "problem loans" (see 10 above) on page 6 of the Sandstorm Report, with a total exposure of \$249 million and the following explanation – "appears to have acted in a nominee capacity in respect of SDCC, ATB (a UK bank) and FIIL, as well as WXYZ" (It should be noted in passing that none of those names, other than FIIL, has been redacted). He is also named in paragraph 2.3 as someone who held shares	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and a shareholder who acted as its nominee, possibly as part of a scheme to conceal the true nature of its business dealings. We do not think that, in the circumstances, the disclosure of the name amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
		as nominee for BCCI or Fork, in paragraph 4.21 as someone who acquired shares in WXYZ and BCCI itself as BCCI's nominee. He also acquired shares in First American Bank as BCCI's nominee, as explained in paragraph 6.6 and 6.7 and subscribed for shares in WXYZ (as explained in paragraph 6.9 and 6.12), for which he was paid a fee, as described in paragraph 6.19..	
17	ATB	See the mention under 16 of BCCI's holding in its shares through a nominee.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data and should be disclosed
18	FIL	See the mention under 16 of BCCI's holding in its shares through a nominee.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all

Number	Redacted Name	Context	Determination
			mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data and should be disclosed .
19	Ziqbal	It is assumed that this one word identifier refers to an individual and not an organisation. It is mentioned in paragraph 1.18 of the Sandstorm Report under the sub heading “Unrecorded deposit liabilities” where it is stated “As alleged by Ziqbal there appear to be material deposit liabilities not recorded in the books of any of the Sandstorm entities...and it is clear that there have been significant ‘out of book’ deposits fluctuating material accounts for the last ten years.”	Assuming this is personal data there is a very significant public interest in knowing who possessed the information of very serious mismanagement and unlawful activities (involving sums in excess of £500 million – Sandstorm report paragraph 1.18) which Price Waterhouse reported. It seems very clear that the individual was close to, if not part of, BCCI’s senior management to have that information and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
20	The entry against this number is deliberately left blank.		
21	Mr H M Kazmi	In paragraph 1.22 of the Sandstorm Report, under a subheading “Fork”, this individual is mentioned as the source of information, during interviews with Price Waterhouse, on the relationship between BCCI and Fork. It appears from the context that the relationship had been of such concern that Price Waterhouse had prepared an earlier report for the BCCI directors on “our concerns	There is a very significant public interest in knowing who possessed information on a relationship with BCCI which clearly caused Price Waterhouse serious concern. It seems very clear that the individual was close to, and probably part of, BCCI’s senior management to have that information and we do not think that the disclosure of his role amounts to an unwarranted interference into privacy.

Number	Redacted Name	Context	Determination
		about the relationship between Sandstorm and Fox and about the involvement of Fork in transactions which have financial implications for Sandstorm”. In paragraph 1.28 of the report it is stated “The management of Fork, notably Mr Kazmi, have also been integrally involved in the improper transactions and nominee arrangements...”	All mentions of his name or job description in the Sandstorm Report should be disclosed.
22	S M Akbar	We assume a different individual from Z Akbar mentioned above. In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “General manager of Grand Cayman from 1986”.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
23	Imran Imam	In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “account officer for WXYZ and Dr Pharaon”. It is reported in paragraph 6.31 that he had initiated many of the fraudulent transfers of funds and book entries involved in the creation and funding of various nominee shareholdings in WXYZ.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
24	Arjmand Naqvi	We assume a different individual from Swaleh Naqvi above. In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not

Number	Redacted Name	Context	Determination
		Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “account officer for Tumbleweed”.	think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
25	N Habib-Ullah	In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. His job description is not mentioned in that paragraph.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. The following information should be disclosed: 1. the mention of the name in paragraph 1.25
26	M Azmatullah	In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “account officer for major customer accounts”.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
27	H Sheikh	In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “account officer of Gulf Group until he left in 1988: paid \$1.7 million by Naqvi”.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud, particularly given the very large sum he appears to have received on leaving BCCI. We do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. The following information should be disclosed: 1. the mention of the name in paragraphs 1.25, 3.1
28	D Rizvi	In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi]	There is a very significant public interest in knowing the identity of those within BCCI’s senior management

Number	Redacted Name	Context	Determination
		who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “responsibe for the banks relationship with the Virani Group – left the bank in 1990”	responsible for mismanagement and fraud. We do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy or that we should treat him differently from others in the “core team” because he left BCCI in 1990 (a matter of months before its financial collapse). All mentions of the name in the Sandstorm Report should be disclosed.
29	J Khan	In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “account officer for Adham and Jawhary, now left the bank and received \$0.3 million”.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. Given the payment he received on leaving BCCI we do not think that the fact that he was no longer an employee of BCCI at the time of the Sandstorm Report justifies him in being treated any differently from the rest of the “core team”. All mentions of the name in the Sandstorm Report should be disclosed.
30	A Abbas	In paragraph 1.25 of the Sandstorm Report he is named as a member of “a core team [assembled by Mr Naqvi] who were largely responsible for the creation and falsification of documentation and fraudulent account entries and funds...”. He is identified in that paragraph as “General Manager of Bahrain until 1990”.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. We do not think that the fact that he was no longer an employee of BCCI at the time of the Sandstorm Report justifies him in being treated any differently from the rest of the “core team” as he apparently only left a few months before BCCI

Number	Redacted Name	Context	Determination
			collapsed. The mention of the name in paragraph 1.25 should be disclosed:
31	The entry against this number is deliberately left blank.		
32	Virani Group	It is mentioned in paragraph 1.25 as a customer of BCCI for whom D Rizvi was the account officer. It is reported in paragraph 8.9 that it was the apparent beneficiary of payments extracted, apparently without authority, from the deposit accounts of certain Islamic banking customers, the payment to Virani apparently being associated with “false loan security of \$17 million”.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been a customer of BCCI constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI’s machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name “Virani” or “Virani Group” in the Sandstorm Report should be disclosed.
33	The entry against this number is deliberately left blank.		
34	Jawhary	He is mentioned in paragraph 1.25 as an individual for whom J Khan was the account officer. He also	There is a very significant public interest in knowing and understanding the relationship and business dealings

Number	Redacted Name	Context	Determination
		subscribed for shares in WXYZ as explained in paragraph 6.9 and 6.12.	between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
35	Bashir Tahir	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI's senior management, many of whom had, it said, "followed instructions from Naqvi apparently without question...". This individual is then identified as one of the senior managers. He is described as "General Manager BCC Emirates" with the comment "Involvement in questionable transactions including nominee shareholdings, Fork loans and false confirmations"	There is a very significant public interest in knowing the identity of those within BCCI's senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
36	Quaiser Raza	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI's senior management, many of whom had, it said, "followed instructions from Naqvi apparently without question...". This individual is then identified as one of the senior managers. He is described as "Joint executive for Asia/Middle East formerly general manager for NBO" with the comment "False accounting for loans subsequently found to be part of the Gulf Group exposure"	There is a very significant public interest in knowing the identity of those within BCCI's senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
37	A Hafeez	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI's senior	There is a very significant public interest in knowing the identity of those within BCCI's senior management

Number	Redacted Name	Context	Determination
		management, many of whom had, it said, “followed instructions from Naqvi apparently without question...”. This individual is then identified as one of the senior managers. He is described as “Company Secretary” with the comment “(1) Appears to have controlled nominee share transactions particularly in the name of [an individual] booked in Fork. (2) Involvement in side agreements under which Sandstorm capital notes are repayable on demand”	responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
38	A Chaudhry	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI’s senior management, many of whom had, it said, “followed instructions from Naqvi apparently without question...”. This individual is then identified as one of the senior managers. He is described as “General Manager Europe” with the comment “Was the General Manager of BCP for the period [1984] to 1990 when routing of funds was not significant”.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. Although he was no longer in post at the time when the Sandstorm Report was written we do not think that is a reason for treating him differently from others identified for comment in paragraph 1.27 All mentions of the name in the Sandstorm Report should be disclosed.
39	M M Haque	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI’s senior management, many of whom had, it said, “followed instructions from Naqvi apparently without question...”. This individual is then identified as one of the senior managers. He is described simply by reference to “UK Region” with the comment “Property transactions with Virani booked in the name of nominees.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
		Misrepresentation with respect to beneficial ownership”. It is said in paragraph 8.28 that Mr Chowdry (see 40 below) told Price Waterhouse that this individual must have been responsible for instructing other to misuse customer funds as security for third party loans.	
40	B Chowdry	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI’s senior management, many of whom had, it said, “followed instructions from Naqvi apparently without question...”. This individual is then identified as one of the senior managers. He is described as “General Manager UK Region” with the comment “(1) On instruction from S Naqvi created fictitious customer loans to cover up misappropriated funds in 1990. (2) Responsible for the Virani Group and account officer for Attock Oli and Sh AA Ibrahim”. In paragraphs 8.26 – 8.32 his lack of effective management with respect to Islamic banking customers is noted as well as a number of uncorroborated claims about the source of his instructions and his understanding of the transactions involving those customers’ funds. Price Waterhouse conclude that the accounting processes adopted by the UK Region under this individual’s management was indefensible and that it was difficult to imagine that all the transactions could have gone through on the instruction of senior management without any challenge from him.	There is a very significant public interest in knowing the identity of those within BCCI’s senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
41	BCP	As indicated in 38 above the name is mentioned as a	Had this been an individual there might have been a

Number	Redacted Name	Context	Determination
		customer for whom A Chaudhry was the account officer. There is an unredacted mention of it in paragraph 5.3 in which it is said that funds were transferred through it as part of a sophisticated method of deception to conceal funds flow.	reasonable argument for suggesting that disclosing that it had been a customer constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. In any event the name has already appeared in the redacted report. All mentions of the name in the Sandstorm Report should be disclosed.
42	S Doha	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI's senior management, many of whom had, it said, "followed instructions from Naqvi apparently without question...". This individual is then identified as one of the senior managers. He is described as "Manager IBU UK Region" with the comment "Now with [Al Rahji] in London. Falsified audit confirmations". Some detail of the falsification, and the provision of misleading information to auditors of the UK Region in 1989 appears in paragraph 8.8. A memorandum written by him is mentioned in paragraph 8.27 as the only available documentation explaining the routing of funds extracted from the deposits of certain Islamic banking customers.	There is a very significant public interest in knowing the identity of those within BCCI's senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. Although he was no longer in post at the time when the Sandstorm Report was written we do not think that is a reason for treating him differently from others identified for comment in paragraph 1.27 All mentions of the name in the Sandstorm Report should be disclosed.
48	T Jamil	Paragraph 1.27 records particular concerns Price	There is a very significant public interest in knowing the

Number	Redacted Name	Context	Determination
		Waterhouse had about members of BCCI's senior management, many of whom had, it said, "followed instructions from Naqvi apparently without question...". This individual is then identified as one of the senior managers. He is described as "General Manager Hong Kong" with the comment: "Creation of fictitious loans to finance nominee shareholdings in an affiliated company in Thailand during July 1990"	identity of those within BCCI's senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
49	A Siddiki	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI's senior management, many of whom had, it said, "followed instructions from Naqvi apparently without question...". This individual is then identified as one of the senior managers. He is described simply by reference to "Central Office" with the comment "Booking transactions in Fork"	There is a very significant public interest in knowing the identity of those within BCCI's senior management responsible for mismanagement and fraud and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
50	H Motta	Paragraph 1.27 records particular concerns Price Waterhouse had about members of BCCI's senior management, many of whom had, it said, "followed instructions from Naqvi apparently without question...". This individual is then identified as one of the senior managers. He is described as "Legal Department UK Region" with the comment "Drafting of fraudulent agreements".	There is a very significant public interest in knowing the identity of those within BCCI's senior management responsible for mismanagement and fraud, particularly when involved in the legal function, and we do not think that the disclosure of his or her role amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
51	His Excellency G F Mazrui	The Sandstorm Report concluded that the Board of BCCI had been "taken in by and trusted, dominant and deceitful management in the form of Abedi and Naqvi"	As stated in the open part of our decision, we consider that any directors' names in the Sandstorm Report should be disclosed. There is a legitimate interest in the public

Number	Redacted Name	Context	Determination
		<p>but that there was “no indication...that the present Board of Directors was aware of the major irregularities within the bank...”. However, this individual was said to be a “possible exception”, suggesting that he might have had more knowledge than his co-directors. In paragraph 1.33 he is also mentioned under the heading “Shareholders” as being the representative on the board of BCCI of some of the major shareholders of BCCI and someone who had been fully briefed on all the problems in April 1990 “notwithstanding that they allowed the 1989 accounts to be finalised in discussions with ourselves and the Regulators without disclosing this information.” This individual was said, in particular, to have contended that certain loans, which were subsequently shown to be totally fictitious, were in fact recoverable. Paragraph 1.34 contains further information about his receipt of funds from transactions purporting to have been dealings in BCCI shares where it became apparent to Price Waterhouse that he had no risk of loss and which might have compromised his relations with Abedi and Naqvi.</p>	<p>knowing who acted as a director and how effectively he or she performed the role. That information falls clearly within the public role of the individual and the disclosure would not amount to an unwarranted interference into privacy. But even if the identity of the members of the board as a whole were to be withheld the name of this individual should be disclosed because of his prior knowledge and possible attempt to hide the problems BCCI faced long before its ultimate collapse and his involvement with those who attempted to refinance it in 1990. All mentions of the name in the Sandstorm Report should be disclosed.</p>
52	The individual mentioned in paragraph 6(xi) of Confidential Schedule 1 ³	This individual was identified in paragraph 2.3 of the Sandstorm Report as a possible nominee for BCCI or Fork. It is said that he was also a shareholder in WXYZ as explained in paragraph 6.12.	There is a legitimate public interest in the identification of the names of shareholders who did, or may have, held shares as nominee and or been involved in BCCI’s attempt to acquire a US bank. We do not think that, in the circumstances, the disclosure of the name amounts to an unwarranted interference into privacy. All mentions

³ Anonymity is maintained at this stage in case the result of any appeal from our decision is that the section 27 redactions are permitted but the section 40 ones are not.

Number	Redacted Name	Context	Determination
			of the name in the Sandstorm Report should be disclosed.
53	Faisal Fulaij	He is mentioned in paragraph 2.3 as someone who held shares in BCCI as nominee for BCCI or Fork and in paragraph 4.17 as someone who loaned \$31 million to BCCI supposedly secured on shares in WXYZ. He also acquired shares in First American Bank as BCCI's nominee, as explained in paragraph 6.6 and 6.7. He also subscribed for shares in WXYZ as explained in paragraph 6.9 and 6.12. and 6.18. and is noted in paragraph 8.12 as having received interest on nominee loans at SNCB, the interest payments having been extracted from Islamic customer deposits.	We have explained in the open part of this decision why we believe that the names of shareholders who did, or may have, held shares as nominee for another or been involved in share purchases on a buyback or guaranteed rate of return basis should be disclosed. . The disclosure will again serve a legitimate interest and does not, in all the circumstances, amount to an unwarranted interference with privacy. All mentions of the name in the Sandstorm Report should be disclosed.
54	Security Pacific Bank	Paragraph 3.5 of the Sandstorm Report records that accounts were opened by BCCI in the names of certain of its customers at a number of banks, including this one, in order to manipulate the records of the loan accounts recording the substantial indebtedness of the Gulf Group.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. That decision applies with particular force to the names of banks operating in international finance. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of banks used by BCCI to move funds in order to disguise its exposure to the Gulf Group. All mentions of the name in the Sandstorm Report should be disclosed.
55	French American Bank	Paragraph 3.5 of the Sandstorm Report records that accounts were opened by BCCI in the names of certain of its customers at a number of banks, including this one, in order to manipulate the records of the loan accounts recording the substantial indebtedness of the Gulf Group.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. That decision applies with particular force to the names of banks operating in international finance. Even

Number	Redacted Name	Context	Determination
			if it were personal data there is a very significant public interest in knowing and understanding the identity of banks used by BCCI to move funds in order to disguise its exposure to the Gulf Group. All mentions of the name in the Sandstorm Report should be disclosed.
56	Habib Bank	Paragraph 3.5 of the Sandstorm Report records that accounts were opened by BCCI in the names of certain of its customers at a number of banks, including this one, in order to manipulate the records of the loan accounts recording the substantial indebtedness of the Gulf Group.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. That decision applies with particular force to the names of banks operating in international finance. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of banks used by BCCI to move funds in order to disguise its exposure to the Gulf Group. All mentions of the name in the Sandstorm Report should be disclosed.
57	Royal Bank of Scotland, Singapore	Paragraph 3.5 of the Sandstorm Report records that accounts were opened by BCCI in the names of certain of its customers at a number of banks, including this one, in order to manipulate the records of the loan accounts recording the substantial indebtedness of the Gulf Group.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. That decision applies with particular force to the names of banks operating in international finance. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of banks used by BCCI to move funds in order to disguise its exposure to the Gulf Group. All mentions of the name in the Sandstorm Report should be disclosed.
58	Credit Suisse	According to paragraph 3.8 accounts were opened at this bank in the name of Fork “client accounts” or in the	The open part of the decision explains why we do not believe that the name of a company or a group of

Number	Redacted Name	Context	Determination
		name of companies which had come under the control of Fork management, for the purpose of disguising loan account exposure. There is a further reference in paragraph 8.10, in the context of a transfer of funds to an account with this bank.	companies constitutes personal data in the context of this case. That decision applies with particular force to the names of banks operating in international finance. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of banks used by BCCI to move funds in order to disguise loan account exposure. All mentions of the name in the Sandstorm Report should be disclosed.
59	P C Twitchin	Named as a member of the Treasury Committee along with others, including Akbar, Naqvi and Hafeez (all mentioned above) and the individuals listed immediately below. The Sandstorm Report judged that the effectiveness of the committee in monitoring treasury activities appeared to have been compromised and that Akbar was never called to account for treasury results separately from other activities.	There is a very significant public interest in knowing the identity of those within BCCI's senior management who had the task of monitoring financial activity and failed to do so (whatever the reasons for such failure). We do not think that the disclosure of the identity of such individuals amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
60	A Gillani	Named as a member of the Treasury Committee along with others, including Akbar, Naqvi and Hafeez (all mentioned above) and the individuals listed immediately below. The Sandstorm Report judged that the effectiveness of the committee in monitoring treasury activities appeared to have been compromised and that Akbar was never called to account for treasury results separately from other activities.	There is a very significant public interest in knowing the identity of those within BCCI's senior management who had the task of monitoring financial activity and failed to do so (whatever the reasons for such failure). We do not think that the disclosure of the identity of such individuals amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
61	M Rahman	Named as a member of the Treasury Committee along with others, including Akbar, Naqvi and Hafeez (all mentioned above) and the individuals listed immediately	There is a very significant public interest in knowing the identity of those within BCCI's senior management who had the task of monitoring financial activity and failed to

Number	Redacted Name	Context	Determination
		below. The Sandstorm Report judged that the effectiveness of the committee in monitoring treasury activities appeared to have been compromised and that Akbar was never called to account for treasury results separately from other activities.	do so (whatever the reasons for such failure). We do not think that the disclosure of the identity of such individuals amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
62	S Jamil	Named as a member of the Treasury Committee along with others, including Akbar, Naqvi and Hafeez (all mentioned above) and the individuals listed immediately below. The Sandstorm Report judged that the effectiveness of the committee in monitoring treasury activities appeared to have been compromised and that Akbar was never called to account for treasury results separately from other activities.	There is a very significant public interest in knowing the identity of those within BCCI's senior management who had the task of monitoring financial activity and failed to do so (whatever the reasons for such failure). We do not think that the disclosure of the identity of such individuals amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
63	S Samad	Named as a member of the Treasury Committee along with others, including Akbar, Naqvi and Hafeez (all mentioned above) and the individuals listed immediately below. The Sandstorm Report judged that the effectiveness of the committee in monitoring treasury activities appeared to have been compromised and that Akbar was never called to account for treasury results separately from other activities.	There is a very significant public interest in knowing the identity of those within BCCI's senior management who had the task of monitoring financial activity and failed to do so (whatever the reasons for such failure). We do not think that the disclosure of the identity of such individuals amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
64	A R Khalil,	He is said in paragraph 4.4 to have been a major customer of BCCI who made funds available to Akbar for trading purposes on a profit share basis, in return for which he allowed Akbar to use his name and that of his companies (see 65 and 66 below) to be used for trading for the account of BCCI. The report then explains how	We have explained in the open part of this decision why we believe that the names of shareholders who did, or may have, held shares as nominee for another or been involved in share purchases on a buyback or guaranteed rate of return basis should be disclosed. . The disclosure will again serve a legitimate interest and does

Number	Redacted Name	Context	Determination
		Akbar manipulated the records to disguise the nature of his trading activities. Loans of \$80 million from this individual are said at paragraph 4.12 to have been used to conceal BCCI's accumulated losses. At paragraph 4.17 further loans in the sum of \$47 million "supposedly secured on the shares in WXYZ" were drawn down in June 1985 in this individual's name and it is suggested in paragraph 4.21 that he held those shares as a nominee for BCCI. He also subscribed for shares in WXYZ as explained in paragraph 6.9 and 6.12. He was paid a fee for acting as nominee, according to paragraph 6.18	not, in all the circumstances, amount to an unwarranted interference with privacy. All mentions of the name in the Sandstorm Report should be disclosed.
65	Razat Associates Inc	A company owned and/or controlled by A R Khalil – see 64 above.	The open part of the report decision why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. But even if we had not reached that conclusion we believe that the transactions between the company and BCCI would have justified disclosure for the reasons given in 64. All mentions of the name in the Sandstorm Report should be disclosed.
66	Maram Trading Co	A company owned and/or controlled by A R Khalil – see 64 above.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. But even if we had not reached that conclusion we believe that the transactions between the company and BCCI would have justified disclosure for the reasons given in 64. All mentions of the name in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
67	State Bank of India	It is said in paragraph 4.12 of the Sandstorm Report that a total of \$50 million from this organisation appeared to have been used as part of a scheme to disguise accumulated losses. In paragraph 7.7 it is noted that \$53 million was paid to it in order to reinstate an otherwise unrecorded deposit.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. That decision applies with particular force to the names of banks operating in international finance. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of those involved, even unwittingly, in carrying through transactions that enabled BCCI to conceal losses running into some £1,318,000,000. All mentions of the name in the Sandstorm Report should be disclosed.
68	Government of Cameroon or Ministry of Finance - Cameroon	The Sandstorm Report includes, in a table in paragraph 4.15, a number of “out of book” deposits (i.e. monies deposited with BCCI but not recorded as such in its books). These included \$246 million from the Government of Cameroon. In paragraph 7.7 it is noted that \$5 million was paid to it in order to reinstate an otherwise unrecorded deposit.	There can be no possible reason for treating information about an entire country’s government or department of government as personal data. All mentions of the name in the Sandstorm Report should be disclosed.
69	The entry against this number is deliberately left blank.		
70	SAFCO	The Sandstorm Report includes, in a table in paragraph 4.15, a number of “out of book” deposits (i.e. monies deposited with BCCI but not recorded as such in its books). These included \$18 million from this	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if it were personal data there is a very

Number	Redacted Name	Context	Determination
		organisation.	significant public interest in knowing and understanding the identity of those involved, even unwittingly, in carrying through transactions that enabled BCCI to conceal its losses. All mentions of the name in the Sandstorm Report should be disclosed.
71	The entry against this number is deliberately left blank.		
72	Shorafa	He is mentioned in paragraph 4.17 as someone who loaned \$37 million to BCCI supposedly secured on shares in WXYZ, but at paragraph 4.21 he is named as someone who received funds from BCCI (along with Khalil and Adham) to fund WXYZ share acquisitions as BCCI's nominee. He was paid a fee for acting as nominee, according to paragraph 6.18	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, possibly as part of a scheme to conceal the true nature of its business dealings, and who also is recorded as having loaned funds to BCCI on the basis of questionable security and for possibly unlawful reasons. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of his name or job description in the Sandstorm Report should be disclosed.
73	The entry against this number is deliberately left blank.		

Number	Redacted Name	Context	Determination
74	The entry against this number is deliberately left blank.		.
75	Dubai	Mentioned in paragraph 4.17 as someone who loaned \$11 million to BCCI supposedly secured on shares in WXYZ.	There can be no possible reason for treating information about an entire country's government as personal data. All mentions of the name in the Sandstorm Report should be disclosed.
76	Dubai Crescent	Mentioned in paragraph 4.17 as having loaned \$14 million to BCCI supposedly secured on shares in WXYZ.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data.
77	Brenchase Limited and Capcom (its parent company)	It is said in paragraph 4.18 that these companies were controlled by Z Akbar and that they received \$85 million in 1985 "for an unknown purpose", the money apparently having been funded by loans made to BCCI.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if it were personal data there is a very significant public interest in knowing and understanding the identity of those involved in carrying through transactions that appear to have had no obvious purpose

Number	Redacted Name	Context	Determination
			and to use funds obtained by loans that themselves raise questions of mismanagement and impropriety. All mentions of the name in the Sandstorm Report should be disclosed.
78	Refco	Said at paragraph 4.22 to have been one of the main brokers used by the Treasury Division. In paragraph 4.23 it is said that there was circumstantial evidence that the brokers did not always trade with the Treasury at arms length and may have facilitated the manipulation of profits.	We believe this is a company. The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if this is an individual the public role of a securities broker should not be treated as personal data. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in carrying through transactions, possibly knowingly, for the purpose of profit manipulation. All mentions of the name in the Sandstorm Report should be disclosed.
79	Capital Commodity Dealers Ltd ("Capcom")	Said at paragraph 4.22 to have been one of the main brokers used by the Treasury Division. In paragraph 4.23 it is said that there was circumstantial evidence that the brokers did not always trade with the Treasury at arms length and may have facilitated the manipulation of profits. As mentioned in 77 it is said to have been controlled by Akbar and the Sandstorm Report at paragraph 4.24 records that its shareholders included Khalil and Adham as well as Akbar himself after he left BCCI.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in carrying through transactions, possibly knowingly, for the purpose of profit manipulation. This is especially the case when the business is owned and/or controlled by those having other connections with BCCI. All mentions of the name in the Sandstorm Report should be disclosed.
80	Rudolf Wolff	Said at paragraph 4.22 to have been one of the main	We believe this is a company. The open part of the

Number	Redacted Name	Context	Determination
		brokers used by the Treasury Division. In paragraph 4.23 it is said that there was circumstantial evidence that the brokers, particularly this one, did not always trade with the Treasury at arms length and may have facilitated the manipulation of profits.	decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if this is an individual the public role of a securities broker should not be treated as personal data. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in carrying through transactions, possibly knowingly, for the purpose of profit manipulation. All mentions of the name in the Sandstorm Report should be disclosed.
81	Bear Sterns	Said at paragraph 4.22 to have been one of the main brokers used by the Treasury Division. In paragraph 4.23 it is said that there was circumstantial evidence that the brokers did not always trade with the Treasury at arms length and may have facilitated the manipulation of profits.	This is a company which itself became insolvent. The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. Even if this were an individual the public role of a securities broker should not be treated as personal data. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in carrying through transactions, possibly knowingly, for the purpose of profit manipulation. All mentions of the name in the Sandstorm Report should be disclosed.
82	The entry against this number is deliberately left blank.		

Number	Redacted Name	Context	Determination
83	Gokal brothers (also referred to simply as “the Gokals”)	Major shareholders in Gulf. At paragraph 5.4 it is said that in order to avert liquidation of Gulf Group BCCI “worked very closely with the Gulf Group management to ensure that third party bank liabilities... were met as they fell due.”	Given the significance of Gulf’s financial problems on BCCI’s own solvency, the interdependence between the two and the steps taken to conceal the true extent of BCCI’s exposure, together with the extensive publicity already given to these individuals and their commercial operations, we think that there is a strong legitimate interest in the disclosure of their involvement with both Gulf and BCCI and that there is no unfairness or unwarranted intrusion into this individuals’ privacy by their names being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
84	Hashim Shaikh	Said at paragraph of the Sandstorm Report to have taken responsibility with Naqvi for the Gulf account with BCCI once the financial difficulties of Gulf became apparent. The report implies that he was involved in the account manipulation that started at that time in order to reduce the impact on BCCI’s own finances. At paragraph 6.26 it is reported that a total of \$89 million was paid to him to adjust Gulf Group accounts under a series of movements of funds that were not clearly for the benefit of those from whom the funds were drawn down.	There is a very significant public interest in knowing the identity of those within BCCI’s management who were involved in account manipulation. We do not think that the disclosure of the identity of such individuals amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
85	Sheikh Sultan bin Zayed	He acquired shares in First American Bank as BCCI’s nominee, as explained in paragraph 6.6 and 6.7.	There is a very significant public interest in knowing and understanding the relationship and business dealings between this individual and BCCI given his apparent role in supporting BCCI’s attempts to acquire a bank in the

Number	Redacted Name	Context	Determination
			USA, (probably involving transactions of doubtful legality and inadequate transparency). We do not believe that disclosure of his involvement in these transactions would be an unwarranted interference with his privacy. All mentions of the name in the Sandstorm Report should be disclosed.
86	A Darwish	He acquired shares in First American Bank as BCCI's nominee, as explained in paragraph 6.6 and 6.7, on behalf of the individual considered under 87 below. He also subscribed for shares in WXYZ as explained in paragraph 6.9 and 6.12.	There is a very significant public interest in knowing and understanding the relationship and business dealings between this individual and BCCI given his apparent role in supporting BCCI's attempts to acquire a bank in the USA, (probably involving transactions of doubtful legality and inadequate transparency). We do not believe that disclosure of his involvement in these transactions would be an unwarranted interference with his privacy. All mentions of the name in the Sandstorm Report should be disclosed.
87	The individual identified in paragraph 3 of Confidential Schedule 1	As explained in 86 shares in First American Bank were acquired on his behalf.	There is a very significant public interest in knowing and understanding the relationship and business dealings between this individual and BCCI given his apparent role in supporting BCCI's attempts to acquire a bank in the USA, (probably involving transactions of doubtful legality and inadequate transparency). We do not believe that disclosure of his involvement in these transactions would be an unwarranted interference with his privacy. All mentions of the name in the Sandstorm Report should be disclosed.
88	Stock (Dubai)	Subscribed for shares in WXYZ as explained in	We believe that this is a company or organisation and not

Number	Redacted Name	Context	Determination
		paragraph 6.9 and 6.12.	an individual. The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in holding shares as nominees as part of BCCI's attempt to acquire a US bank. All mentions of the name in the Sandstorm Report should be disclosed..
89	Crescent (Dubai)	Subscribed for shares in WXYZ as explained in paragraph 6.9 and 6.12.	We believe that this is a company or organisation and not an individual. The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in holding shares as nominees as part of BCCI's attempt to acquire a US bank. All mentions of the name in the Sandstorm Report should be disclosed.
90	Mashriq	The precise identity is not clear from the body of the Sandstorm Report. It seems likely that it is the same as "Mashriq Holdings" referred to in paragraph 8.12 as having received interest on nominee loans at SNCB, the interest payments having been extracted from Islamic customer deposits.	We take the cautious approach of assuming that the reference is to an individual. There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the

Number	Redacted Name	Context	Determination
			Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
91	Sheikh Naomi (Ajman)	Subscribed for shares in WXYZ as explained in paragraph 6.9 and 6.12 for which he was paid, as described in paragraph 6.19.	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
92	Qabazard	We assume this is an individual. He subscribed for shares in WXYZ as explained in paragraph 6.9.	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
93	Gulf Investment Real Estate Co.	Subscribed for shares in WXYZ as explained in paragraph 6.9.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in holding shares as nominees as part of BCCI's attempt to acquire a US bank. All mentions of the name in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
94	Real Estate Development Co	Subscribed for shares in WXYZ as explained in paragraph 6.9.	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. There is, in any event, a very significant public interest in knowing and understanding the identity of those involved in holding shares as nominees as part of BCCI's attempt to acquire a US bank. All mentions of the name in the Sandstorm Report should be disclosed.
95	Hammoud (also identified as M Hammoud)	Was a shareholder in WXYZ as explained in paragraph 6.12. He was paid a fee for acting as nominee, according to paragraph 6.18. There is reference in paragraph 7.22 to funds in his name being transferred to reduce loans at Fork Overseas and, in 8.12 that \$3 million, extracted from the deposits of Islamic banking customers, had been paid to this individual to service a loan.	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
96	C Clifford	Was a shareholder in WXYZ as explained in paragraph 6.12.	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
97	R Altman	Was a shareholder in WXYZ as explained in paragraph 6.12.	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as

Number	Redacted Name	Context	Determination
			part of a scheme to acquire a US bank. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
98	Burford	It appears from paragraph 6.13 that this was a shareholder in WXYZ. Its holding was said to have been repurchased from Sheikh Kalin bin Mahfouz "under the terms of a buy-back agreement nominally with Mashriq and guaranteed by [BCCI] Overseas." This repurchase was effected through payments to Mahfouz in October 1989 and June 1990 totalling approximately \$190 million, funded by S Naqvi from various sources.	We have adopted the cautious approach of assuming that this is an individual. There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank, particularly in light of the convoluted scheme described in the report.. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
99	Sheikh Sharqi	Paragraph 6.18 explains that he received fees for acting as a nominee shareholder in WXYZ	There is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and anyone who acted as its nominee, as part of a scheme to acquire a US bank, particularly in light of the convoluted scheme described in the report.. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
100	The entry against this		

Number	Redacted Name	Context	Determination
	number is deliberately left blank.		
101	A former governor of Tumbleweed	There is a passing reference to an individual by this phrase in paragraph 7.3 in connection with certain unrecorded deposits. It is stated that he was employed by BCCI as a consultant. Tumbleweed itself is said to be a customer with an agreement for funds deposited with BCCI to be invested in commodities. According to the Bingham Report Tumbleweed was in fact a code name for a major customer of BCCI who, in early 1991, was revealed by Iqbal to be one of several with substantial unrecorded deposits. The funds deposited with BCCI are said in paragraph 7.5 to have become an integral part of the manipulation of funds within Treasury, with Tumbleweed's deposits being used to service loans or to make other payments to BCCI's benefit. As at 31 December 1991 there were said to be outstanding transactions with this customer totalling \$, 358 million not recorded in BCCI's books.	The words "a former governor of Tumbleweed" do not on their own identify an individual. In order to fall within the definition of personal data they must do that either on their own or in combination with other information in the data controller's possession, or likely to come into its possession.. We have seen no other information in the Sandstorm Report that enables this individual to be identified and no evidence has been provided that has that effect. Accordingly this does not represent personal data. Even if that were the case there is a very significant public interest in knowing and understanding the relationship and business dealings between BCCI and an individual who was not only involved in handling the accounts of a customer whose funds were misused, but was also a former officer of that customer. There is no unfairness or unwarranted intrusion into this individual's privacy by his name being mentioned in the context of the Sandstorm Report. All mentions of the name in the Sandstorm Report should be disclosed.
102	FULDA	This is likely to be an organisation. It is mentioned in paragraph 7.6 as one of the lenders whose loans were serviced by funds held by BCCI for Tumbleweed.	The open part of the decision explains why we do not believe that the name of a company or organisation constitutes personal data in the context of this case. There is, in any event, a very significant public interest in

Number	Redacted Name	Context	Determination
			knowing and understanding the identity of those involved in holding shares as nominees as part of BCCI's attempt to acquire a US bank. All mentions of the name in the Sandstorm Report should be disclosed.
103	Delta Bank Cairo	It is mentioned in paragraph 7.6 as one of the lenders whose loans were serviced by funds held by BCCI for Tumbleweed.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data.
104	Saudi Arabian Fertiliser Company	In paragraph 7.7 it is noted that \$18 million was paid to it in order to reinstate an otherwise unrecorded deposit.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data.
105	The entry		

Number	Redacted Name	Context	Determination
	against this number is deliberately left blank.		
106			
107	Saudi Livestock Co	It is said in paragraph 7.16 to have had an unrecorded deposit of \$5.3 million and, in paragraph 7.24 that it was “‘utilised’ for other purposes”.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI’s machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
108	The entry against this number is deliberately left blank.		
109	BAII	It is said in paragraph 7.17 to have been the source of funds in an unrecorded deposit credited to G R Pharaon	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have

Number	Redacted Name	Context	Determination
			insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
110	North American Finance and Investment	A Turks and Caicos Company, controlled by Kazmi, that is said in paragraph 7.17 to have received £1.2 million from an unrecorded deposit credited to G R Pharaon.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
111	SNCB	As mentioned in 10B it is said to be owned by Sheik Khalid Bin Mahfouz. Paragraph 7.19 records funds being routed through it, having been drawn from an unrecorded deposit and probably used for loan servicing, and paragraph 7.22 notes that it held an account for Fork which was used to service loans. There are further references to funds being routed through it for the benefit	The open part of the decision explains why we do not believe that the name of a company or a group of companies constitutes personal data in the context of this case. As explained in reference to the company's owner (see 10B above) there is evidence of involvement in fraud. All mentions of the name in the Sandstorm Report

Number	Redacted Name	Context	Determination
		of Fork in paragraph 8.10, via an account controlled by Naqvi, and in paragraph 8.12, in respect of funds extracted from the deposits of Islamic banking customers.	should be disclosed.
112	QIB	We assume that this is an organisation. In paragraph 7.22 it is said that funds deposited by it with BCCI were repaid from an unrecorded deposit by BCP Luxembourg.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
113	Saudi Cairo Bank, Jeddah	It is said in paragraph 7.22 that funds were routed through this bank apparently to service loans in the name of Kamal Adham	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the

Number	Redacted Name	Context	Determination
			name in the Sandstorm Report should be disclosed.
114	Al Rahji Banking and Investment Corporation	Mentioned in 42 above as the employer of Doha after he left BCCI. It is reported in paragraph 8.7 that it had placed customers' funds with BCCI totalling \$10 million, that the funds were then placed with Fork Holdings and, following its defaults on the repayment date in 1990, repaid to the customer by BCCI. It is also reported in paragraph 8.20 that a loan account was opened for this organisation in order to disguise the recording of amounts due from Fork Holdings.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
115	Qatar Islamic Bank	It is reported in paragraph 8.7 that it had placed customers' funds with BCCI totalling \$32.3 million, that the funds were then placed with Fork Holdings and, following its defaults on the repayment date in 1990, repaid to the customer by BCCI. It is also reported in paragraph 8.20 that a loan account was opened for this organisation in order to disguise the recording of amounts due from Fork Holdings.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
116	Dubai Islamic Bank	It is reported in paragraph 8.7 that it had placed customers' funds with BCCI totalling \$42.4 million, that	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it

Number	Redacted Name	Context	Determination
		the funds were then placed with Fork Holdings and, following its defaults on the repayment date in 1990, repaid to the customer by BCCI. It is also reported in paragraph 8.20 that a loan account was opened in the name of this organisation in order to disguise amounts due from BCC Bahrain.	had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
117	The entry against this number is deliberately left blank.		
118	Sheikh Zaiyai	It is mentioned in paragraph 8.12 that funds extracted from the deposits of Islamic banking customers had been utilised to purchase shares from Fork Foundation in the name of this individual as nominee	There is a very significant public interest in knowing the identity of those who acted as BCCI's nominees should be identified, given the nature of the transactions in which they were involved. We do not think that the disclosure of the identity of such individuals amounts to an unwarranted interference into privacy. All mentions of the name in the Sandstorm Report should be disclosed.
119	The entry against this number is		

Number	Redacted Name	Context	Determination
	deliberately left blank.		
120	ALSCO	We assume that this is an organisation rather than an individual. It is mentioned in paragraph 8.12 that funds extracted from the deposits of Islamic banking customers had been utilised to repay interest and principal on unrecorded deposits by this organisation in the sum of \$1.2million.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed..
121	Alisson Est	We assume that this is an organisation rather than an individual. It is mentioned in paragraph 8.12 that funds extracted from the deposits of Islamic banking customers had been utilised to repay interest and principal on unrecorded deposits by this organisation in the sum of \$2.1 million.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.

Number	Redacted Name	Context	Determination
122	Granite	We assume that this is an organisation rather than an individual. It is mentioned in paragraph 8.12 that funds extracted from the deposits of Islamic banking customers had been transferred via this organisation en route to Gulf Group	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
123	Cedar	We assume that this is an organisation rather than an individual. It is mentioned in paragraph 8.12 that funds extracted from the deposits of Islamic banking customers had been transferred via this organisation en route to Gulf Group	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
124	Bank of New York	It is mentioned in paragraph 8.18 that two Islamic banking customers accounts had been on placed with this bank.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an

Number	Redacted Name	Context	Determination
			unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.
125	Saudi National Commerce Bank, Bahrain	It is said in paragraph 8.27 that funds placed with this bank were routed to Fork and represented monies extracted from the deposits of Islamic banking customers, but that the documentation was inadequate.	Had this been an individual there might have been a reasonable argument for suggesting that disclosing that it had been part owned by a BCCI nominee constituted an unwarranted interference in privacy. We have insufficient information to decide whether it was involved in BCCI's machinations or was an innocent victim of them. We therefore make no decision on that issue but base our decision to order disclosure of all mentions of the name solely on the fact that, as explained in the open part of our decision, the name of a company does not constitute personal data. All mentions of the name in the Sandstorm Report should be disclosed.

Judge C Ryan
11 July 2011