



Department of
Justice
An Roinn Dlí agus Cirt
Máinnystrie O tha Laa
www.justice-ni.gov.uk

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21st October 2024

REFERENCE: FOI24\120

Dear Sir,

Thank you for your request dated 25 September 2024 and detailed below:

Hi there, to whom it may concern, could you please confirm that you Niaomi Long and the rest of the trustees /M.L.A.s, also hold fiduciary duties, and as so must act in the best interests of your beneficiaries, who would be, we the people, not our persons.

without prejudice

Tsilhqot'in Nation v. British Columbia Page 427

27. FIDUCIARY DUTY / HONOUR OF THE CROWN

[1302] Both the plaintiff and British Columbia advanced arguments on the subject of

breach of fiduciary duty and the honour of the Crown. In Blueberry River Indian Band v. Canada, [1995] 4 S.C.R. 344, McLachlin J. (as she then was), writing on behalf of the minority, provided the following explanation for the basis of a fiduciary relationship at para. 38:

Generally speaking, a fiduciary obligation arises where one person possesses unilateral power or discretion on a matter affecting a second "peculiarly vulnerable" person: see Frame v. Smith, [1987] 2 S.C.R. 99; Norberg v.

Wynrib, [1992] 2 S.C.R. 226; and Hodgkinson v. Simms, [1994] 3 S.C.R. 377.

The vulnerable party is in the power of the party possessing the power or discretion, who is in turn obligated to exercise that power or discretion solely for the benefit of the vulnerable party. A person cedes (or more often finds himself in the situation where someone else has ceded for him) his power over a matter to another person. The person who has ceded power trusts the person to whom power is ceded to exercise the power with loyalty and care. This is the notion at the heart of the fiduciary obligation.

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold recorded information falling in scope of your request, and you have the right to receive this recorded information subject to cost limit or exemption.

In relation to the information you have requested, please be advised that the Department does not hold any recorded information in scope of your request.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Further details on the role of the Information Commissioner can be found at:
www.informationcommissioner.gov.uk

Yours sincerely

DoJ Records & Information Manager