



Home Office

Information Access Team
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Ross Errington
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Our Ref 11982
Your Ref

Date 10 July 2009

Dear Mr Errington

When I wrote to you on 2 June acknowledging receipt of your request for an internal review to be carried out into the request for information about the powers of officials of the Royal Society for the Protection of Birds, (RSPB) I explained that I had been asked to carry out that review. I also explained that as you had not specified in what way you were not content with our initial reply of 1 June, I would investigate the fact that the reply was sent to you late and that you were told the Home office did not hold any of the requested information. The purpose of this letter is to let you know the outcome of my investigations.

In order to carry out my review, I contacted the Policing Powers and Protection Unit (PPU) where your initial request for information was considered. I established that your request for information was due to be replied to by 28 May, but the reply was not sent until 1 June. The result of this is that the Home Office is in breach of section 10(1) of the Freedom of Information Act 2000 and I apologise on behalf of the Home Office for this.

In the reply sent to you on 1 June, PPU explained that they did not hold the information you asked for and advised you to contact the Department for Environment, Food and Rural Affairs (DEFRA). However, in order to fulfil their duty of providing advice and assistance under section 16(1) of the Act, PPU quoted links to the Home Office and Ministry of Justice websites where information about the Police and Criminal Evidence Act (PACE) 1984, which provides the core framework of investigative powers for the police including the execution of search warrants, is available. PPU also explained in response to your third question, about RSPB officials searching for evidence without the police 'next to them', that section 3.6(f) of PACE code B specifies that when police apply for search warrants they must seek authorisation for other persons to accompany them. PPU added that section 16 of PACE gives such authorised persons the same powers as the officer in terms of the execution of the warrant.

Similarly, in response to your fifth question about RSPB officials removing evidence, they explained that property seized under a warrant applied for and executed by the police must be

taken to a police station.

I am therefore satisfied that PPU were as helpful as they could be by providing this advice and assistance. I am also satisfied that PPU were correct in stating that they did not hold the information which you requested, given that the status and powers of the RSPB are not matters which come within the responsibilities of the Home Office.

If you are not satisfied with this response you have a further right of appeal to the Information Commissioner who can be contacted at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmore
Cheshire
SK9 5AF

www.ico.gov.uk

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Kirk', with a small flourish at the end.

Steve Kirk

