



# Home Office

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**Mr. Paul Perrin**  
[request-4953-a30e6514@whatdotheyknow.com](mailto:request-4953-a30e6514@whatdotheyknow.com)

Our Ref: **CR10917**  
Date: **27<sup>th</sup> May 2009**

Dear Mr. Perrin,

I write further to my email of the 5<sup>th</sup> May 2009 in response to your request for an Internal Review into the handling of your request for information under the Freedom of Information Act (the Act) in December last year.

I have now completed a full and independent review that has covered the procedural handling of your request and of the reasons and rational behind the decision in our letter to you on the 19<sup>th</sup> January 2009. This review has been conducted on its own merits and all areas of this request have been re-considered as part of this Internal Review process.

I have noted from your emails of the 19<sup>th</sup> January and the 3<sup>rd</sup> March 2009 that you requested our review cover the use of the exemption provisions of section 21(1) of the Act. You also stated that, in response to part of your request, our case practitioner may have misinterpreted the scope of your request and the specific information you were requesting. Before I discuss these matters, I would like to briefly cover the areas in which my review covered the procedural aspects of your request.

Having reviewed the information presented to me, I am content that your request was progressed with due urgency and a concerted effort was made to respond to your request within the twenty working-day timeframe set out in s10(1) of the Act. Our case practitioner wrote to you on the 19<sup>th</sup> January 2009 with the substantive response to your request. This letter was sent within the twenty working-day deadline provided in s10(1) of the Act.

The Home Office has therefore complied with its duties set out in section 10(1) of the Act and part IV of the Secretary of State for Constitutional Affairs' Code of Practice issued under section 45 of the Act, and I therefore find no problems with the timeliness aspects of handling your request.

The response letter sent to you on the 27<sup>th</sup> November 2008 complies with the obligations set out in s17(1), 17(3) and 17(7) of the Act and section XI (para. 50) of the section 45 Code of Practice in that our decision not to release the information you

requested (under the exemption provision of s21(1) of the Act) was clearly conveyed to you pursuant with these provisions.

Having reviewed the response to your request and the decisions made, I am of the opinion that the exemption provisions of s21(1) of the Act were not applied correctly. As you have stated in your correspondence to us on this matter, the information you requested was not regarding the assertions made by the Home Secretary but the information used to support those assertions.

I have therefore decided to overturn the use of this exemption as it was not applied to the information that you had requested.

In conducting this Internal Review, I have undertaken additional searches to see if the Home Office holds information that might have been used by the Home Secretary on which to base her decision to abandon plans to hold direct elections for members of police authorities.

I can inform you that the Home Office itself does not hold the specific information you have requested, but the information that the Home Secretary drew upon in reaching her decision is easily accessible in the public domain. At that time there was a clear and well reported shift in the climate of the debate around policing and rising concerns about the politicisation of the police. In the Guardian article you mentioned, the Home Secretary was referring to events that were in the public domain and commented on extensively in the media. They manifestly affected the climate of the debate around police accountability. As the Home Secretary explained at the time:

*"Looking at what has happened over the past two months, there has been a fundamental shift in the way people think about the politicisation of the police. I put that down to the London mayor's intervention in the resignation of Sir Ian Blair and the events surrounding the Damian Green affair. I think it is right to step back to focus on the radical changes we are already making to the police at the neighbourhood level and to think about what recent events mean for the politicisation of the police."*

I would like to assure you that a thorough search has been conducted and that I am confident that we do not hold the information that you asked for, but the events themselves are available to you in the public domain. Please feel free to contact me if you have any questions concerning this Internal Review.

Thank you for your interest in the Home Office.

Yours sincerely,



**Ian Lister**  
**Information Access Consultant**  
**Information Access Team**

## **ANNEX A – Your Right of Complaint**

If you are still dissatisfied with this decision you may make an application to the Information Commissioner for a decision on whether the request and this review have been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner's Office, please visit their website at <http://www.ico.gov.uk> or write to:

*Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF*