



Home Office

Information Access Team
Shared Services Directorate
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Mr John Reith
request-8555-0a0c3f02@whatdotheyknow.com

Our Ref: 11792
Date: 4 September 2009

Dear Mr Reith,

I am writing further to my correspondence of 7 August 2009, regarding your information request of 2 March 2009.

I would first of all like to apologise for the delay in providing you with a response. Unfortunately the request was originally allocated to the incorrect part of the Department. The Information Access Team is responsible for the handling of all 'cross-cutting' requests within the Home Office. These are requests in which relevant information may be held by more than one part of the Department. As soon as this request was brought to my attention I asked that it be re-allocated to me. I have processed your request as quickly as possible, but nonetheless the delay in providing you with a final response represents a breach of section 10(1) of the Act. I apologise on behalf of the Home Office for this breach. The Home Office takes its responsibilities under the Act seriously and makes every effort to fulfill its statutory obligations. Where there is a breach of section 10(1) we make every effort to identify the problem to ensure that it will not happen again.

Under section 12 of the Freedom of Information Act, the Home Office is not obliged to comply with any information request where the prescribed costs of supplying you with the information exceed £600. The £600 limit applies to all central government departments and is based on work being carried out at a rate of £25 per hour, which equates to 3½ days work per request. Prescribed costs include those which cover the cost of locating and retrieving information, and preparing our response to you. They do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or disbursements such as photocopying or postage.

We have estimated that the cost of answering your request would exceed the £600 limit and we are therefore unable to comply with it. Although your request would at present be too costly to answer, if you refine it so that it falls under the cost limit we will consider it further. The Home Office holds a number of files related to John Stalker and the inquiry which he carried out. Your request asked for all information held by the Home Office specifically relating to:

'...the suspension of the former Deputy Chief Constable of Greater Manchester Police John Stalker from duty in 1986 and his removal from what was commonly known as the "shoot to kill" inquiry in Northern Ireland.'

The Home Office does not hold a series of named files directly relating to the suspension of Mr Stalker. The cost of sifting files which may contain this information would exceed the cost limit. In order to restrict any future search you may wish to specify a narrower time frame. For example, information from a particular year in which you might be interested.

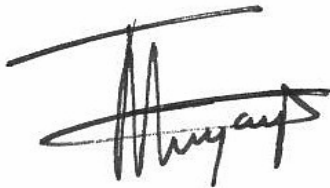
You should however be aware that if you break your request down into a series of smaller requests, we might, depending on the circumstances of the case, decline to answer if the aggregated cost of complying exceeds £600, as permitted by the Fees Regulations.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint within two months to the above address quoting reference 11792.

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

I realise that this reply may be a disappointment to you, but I look forward to hearing from you again shortly should you wish to refine your request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Bragaglia', with a horizontal line above it.

John Bragaglia
Information Access Consultant