Ms Rosemary Cantwell  
request-96982-  
bc55e77d@whatdotheyknow.com  

28 February 2012

Dear Ms Cantwell

FREEDOM OF INFORMATION ACT 2000 REQUEST

I write further to your e-mailed request, dated 6 January 2012, for an internal review of the CPS response to your earlier Freedom of Information Act (FOIA) request, dated 13 December 2011. Please accept my apologies for my delay in conducting the review.

Your original request sought information and legal advice which appeared, from the detail set out in the request, to relate to a specific case. Your e-mail suggested that this was a hypothetical scenario but it is clear from the detail involved that it was referring to a specific case within your knowledge. If you have a particular complaint about the way a case has been handled, you should direct that complaint to the CPS Area which dealt with the case.

The Freedom of Information Act is a public disclosure regime, which means information disclosed under it is thereafter deemed to be in the public domain and freely available to the public on request.

I agree with the original review that your request is not actually a request for information or data held by the CPS but a request for legal advice. It is not possible to provide “hypothetical” advice of this nature.

The original FOIA decision was communicated to you in clear terms and explained your right to a review. I am satisfied that the handling of the request has also been dealt with correctly.

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision, at the Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely,

Andrew Penhale
Head of Division A
Central Fraud Group