



Joint Information Management Unit  
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Dr Andrew Watt  
[request-162896-  
26ed2c19@whatdotheyknow.com](mailto:request-162896-26ed2c19@whatdotheyknow.com)

Dear Dr Watt

**Reference No: RFI2013000455, RFI2013000456 and RFI2013000457**

I write in connection with the above-referenced Freedom of Information requests, dated 27 May 2013. Your requests have now been considered as follows and are in reference to the death of Dr David Kelly.

The requests are being refused under Section 12(1) of the FOIA. Section 12 of the FOIA does not oblige a public authority to comply with Section 1(1) of the Act, if the authority estimates that the cost of complying would exceed the appropriate limit. Some of the information you have requested is not held in an easily retrievable format, and to identify whether it is held, locate and retrieve the detailed and specific information requested, would involve complex searches of large individual manual files. This would therefore exceed the appropriate cost limit.

In considering whether the appropriate costs limit would be exceeded, we have also taken into account the following. Including your requests, we have received a total of 11 separate pieces of correspondence, from four individuals, containing at least 72 separate requests, within a 14 day period. These requests relate to the same or similar information and in all the circumstances appear to us to have been made by persons acting in concert or in pursuance of a campaign. We have therefore applied Section 12(4)(b) and aggregated these requests together for the purposes of considering the likely costs.

In accordance with the Freedom of Information Act, this letter represents a Refusal Notice for this request.

### **Section 16 – Further Advice and Assistance**

In accordance with our duty under section 16 of the Act, we have considered what advice and assistance we can reasonably provide in respect of your requests. In all the circumstances we do not think there is any advice and assistance we can reasonably provide which would enable you to refine your request, so as to bring it within the costs limit.

<u>Request</u>	<u>Response</u>
<p>(1) What tests, if any, did Thames Valley Police carry out to detect suxamethonium in the blood taken from Dr. David Kelly's body? If the answer is that no such tests were carried out please state that clearly.</p> <p>(2) Were tests carried out to measure red cell cholinesterase with a view to indirectly testing for VX and similar compounds? If the answer is that no such indirect tests for VX etc were carried out please state that clearly.</p> <p>(3) Were tests carried out for any metabolites of VX, such as ethyl methylphosphonic acid? If the answer is that no such tests were carried out please state that clearly.</p> <p>The preceding questions relate to means by which a third party might have incapacitated Dr. Kelly. If tests to detect such third party intervention have not been carried out, the possibility of a third party incapacitating Dr. Kelly remains. In that event, I suggest that Lord Hutton's conclusion of "suicide" is rendered unsafe. I believe this is a logical, proportionate and serious question relating to potential failings in Thames Valley Police's investigation of the death of Dr. Kelly.</p>	<p>(1-3) Please see Section 12 explanation on the first page of this response.</p> <p><b>Section 16 – Further Advice and Assistance;</b> In accordance with our duty under Section 16 of the Act, we have considered whether there is any advice and assistance that we can reasonably provide in respect of your requests. Given that your requests make it clear that you are already familiar with the reports of Dr Allan and Mr Green, we do not see that there is any further advice and assistance that we can reasonably provide.</p>

<u>Request</u>	<u>Response</u>
<p>(1) Was any assessment made of the vegetation around Dr. Kelly's body made by a forensic biologist or other forensic scientist? (I do not mean this question to refer to the brief mention of "arterial rain" in Mr. Green's report.)</p> <p>(2) At what time was any such assessment made and by which forensic scientist? What were his/her qualifications/training to carry out forensic assessment of the vegetation? What tests were carried out at the scene? What tests, if any, were carried out at the laboratory?</p> <p>(3)</p> <p>(4) At the time when any assessment of the type referred to in question 2. was carried out how many people had visited the scene since Dr. Kelly's body had been found at 09.15 on 18th July 2003?</p> <p>(5) What evidence of the presence of the individuals just referred to did the forensic biologist find, if any?</p> <p>(6) Was any assessment of the vegetation made by anyone other than a forensic biologist? If so, I ask for a copy of their witness statement.</p> <p>In the interests of transparency and in the context of the recent Wikeley judgement on supposedly "vexatious" requests I state simply that I have formally drawn to the attention of the Thames Valley Police and Crime Commissioner serious failings in the Thames Valley Police investigation into the death of Dr. Kelly and have also asked for a review of the investigation by an external Police force. In that context I believe that this FOI Request is proportionate and has a demonstrable serious purpose.</p>	<p>(1-6) Please see Section 12 explanation on the first page of this response.</p> <p><b>Section 16 – Further Advice and Assistance;</b> In accordance with our duty under Section 16 of the Act, we have considered whether there is any advice and assistance that we can reasonably provide in respect of your requests. Given that your requests make it clear that you are already familiar with the reports of Dr Allan and Mr Green, we do not see that there is any further advice and assistance that we can reasonably provide.</p>

<u>Request</u>	<u>Response</u>
<p>(1) How many tapings were taken?</p> <p>(2) On what date were the tapings tested for evidence of third party DNA and/or the presence of fibres or other material suggestive of the presence of a third party? If the tapings have never been tested for third party DNA and/or fibres please state that clearly.</p> <p>(3) What were the results of the tests referred to in Question 2?</p> <p>(4) I ask for a copy of any reports which contain the result of such tests. If no such report exists, please state that clearly.</p> <p>(5) What other forensic tests, if any, did Thames Valley Police carry out with a view to establishing whether or not one or more third parties had contact with Dr. Kelly or his body? If no other tests were carried out please state that clearly.</p> <p>(6) Have the tapings been retained for future possible forensic examination?</p> <p>(7) What plans do Thames Valley Police have to conduct forensic tests on the tapings?</p>	<p>(1-6) Please see Section 12 explanation on the first page of this response.</p> <p><b>Section 16 – Further Advice and Assistance;</b> In accordance with our duty under Section 16 of the Act, we have considered whether there is any advice and assistance that we can reasonably provide in respect of your requests. Given that your requests make it clear that you are already familiar with the reports of Dr Allan and Mr Green, we do not see that there is any further advice and assistance that we can reasonably provide.</p>

**Complaint Rights**

If you are dissatisfied with the handling procedures or the decision made by Thames Valley Police, you can lodge a complaint with the force to have the decision reviewed within two months of the date of this response. Complaints should be made in writing to the Public Access mailbox; [publicaccess@thamesvalley.pnn.police.uk](mailto:publicaccess@thamesvalley.pnn.police.uk)

If, after lodging a complaint with Thames Valley Police, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

**Jonathan Hands | Public Access Manager**  
Hampshire Constabulary & Thames Valley Police |