



Our Ref: 501.2013-14 – Internal Review

Your Ref:

Date: 01 December 2014

Mr P. Saunderson
request-231649-152105b8@whatdotheyknow.com

Dear Mr Saunderson,

FREEDOM OF INFORMATION REQUEST NO: 501.2013-14 - IR

I write in connection with your request dated 27 October 2014 for a review of North Yorkshire Police's handling of your request (reproduced below) made under the Freedom of Information Act 2000 (the Act).

In the seven years this case has been going on, North Yorkshire Police have persecuted [name removed] by making incessant false allegations against him, including allegations of "harassment".

- 1) *The full names and ranks of the police officers, current and retired, involved in this "investigation"*
- 2) *The total man-hours North Yorkshire Police spent on this "investigation"*
- 3) *The full cost to the taxpayer of this "investigation"*
- 4) *The total number of complaints of "harassment" made against [named individual]*
- 5) *The dates these complaints of "harassment" were made*
- 6) *The total number of people who made complaints of "harassment" against [named individual]*
- 7) *Please give the crime numbers and supply copies of the crime reports for each of these alleged offences.*

Decision

I have reviewed the file on this matter and I apologise for the delay in responding to your request. Section 10(1) of the Act requires an authority to respond to a valid request not later than the twentieth working day following date of receipt. North Yorkshire Police did not comply with this requirement.

Following your request for an internal review, and noting the additional question (number 7) submitted 25 October 2014, I have considered your request and I can neither confirm nor deny that any of the requested information is held by the force.

Section 17 of the Act requires North Yorkshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. This letter acts as such a notice.

Section 40 – Personal Information

North Yorkshire Police can neither confirm nor deny that it holds any of the information you have requested. To either confirm or deny that the information is held would disclose that individuals had, or had not, been involved with an alleged police investigation, which itself is personal

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information, and therefore the force is not obliged to fulfil its duty under section 1(1)(a) of the Act pursuant to section 40(5)(b)(i) of the Act

To the extent that section 40(5)(b)(i) applies, North Yorkshire Police has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming or denying whether or not information is held.

This exemption applies because, even were the information held, it would be exempt from disclosure pursuant to section 40(2)(b). This is an absolute class based exemption, which does not require a public interest test, but requires the balancing of the legitimate interests of the public against the interests of the individual under the first Data Protection Principle (that of 'fairness'.)

The type of information you have requested is personal information which could only be disclosed to the individual(s) concerned. This exemption would apply because the right given under the Act to request official information held by public authorities does not apply to the personal data of third parties where disclosure of that information would not be fair to the individual, and where there is no legitimate public interest in disclosure.

In all the circumstances of the case it has been determined that the duty to the individual under the Data Protection Act 1998, and the public interest in maintaining the exemption from disclosure of personal information held by the force in such instances, outweighs the public interest in disclosure.

Releasing personal details to a person other than the data subject would not only breach the data subject's Data Protection rights it may also breach the obligations placed on an authority under the European Convention on Human Rights.

No inference may be drawn from this response as to whether any further relevant information is held by the force.

Complaint Rights

Your attention is drawn to the attached sheet which details your right of further complaint.

Yours sincerely

Daniel Palmer
Legal Officer (Civil Disclosure)
Joint Corporate Legal Services

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COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require the North Yorkshire Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Newby Wiske Hall
Northallerton
North Yorkshire
DL7 9HA

In all possible circumstances the North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with the North Yorkshire Police if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 454 700