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20 March 2018

Dear Mr Gallagher

**Freedom of Information request reference: 45580**

I am writing in response to your e-mail of 29 September 2017, in which you ask for information on Operation Grange and other funding applications relating to missing people. I apologise for the delay in replying.

You asked ten questions. A response to each question is provided below. Questions 1 to 9 have been handled as a request for information under the Freedom of Information Act 2000 (FOIA) and I can confirm that the Home Office holds the information that you have requested.

Question 10 asks a policy question relating to the approach to the Operation Grange funding request, compared to other Special Grant applications. Given this does not ask for specific recorded information it does not fall within the scope of the Freedom of Information Act. A response to this question is, though, provided later in this letter.

**1. When was the application for more funds into operation "Grange" made?**

It was received on 31 August 2017.

**2. Who made the application?**

The Metropolitan Police Service (MPS) made the application.

**3. Can the original application be provided?**

After careful consideration we have decided that this information is exempt from disclosure under the following sections of the FOIA:

- Section 27(1)(a) (international relations) applies to information if its disclosure would, or would be likely to, prejudice relations between the United Kingdom and any other State.

- Section 31(1)(a) (law enforcement) applies to information if its disclosure would, or would be likely to prejudice the prevention or detection of crime.
- Section 31(1)(b) (law enforcement) applies to information if its disclosure would, or would be likely to prejudice the apprehension or prosecution of offenders.
- Section 40(2) provides that information is exempt from disclosure if it constitutes personal data and its disclosure would contravene any of the data protection principles. Section 40 is an absolute exemption and there is no requirement to consider the public interest.

In relation to the exemptions being applied under Section 27 and 31 the arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in Annex A.

**4. How many other missing persons applications were made to the Home Office in the past three months?**

None.

**5. How many were granted?**

Not applicable – see question 4.

**6. What was the average grant allowed?**

Not applicable – see question 4.

**7. Is the McCann the biggest spend on such a case in the last ten years?**

It is the largest amount of funding that the Home Office has provided from the Special Grant for a missing persons case in the last 10 years.

**8. If not please provide this proof?**

Not applicable – see question 7.

**9. Who deals with such applications?**

Information on the special grant process and criteria is publicly available at the following link:

<https://www.gov.uk/government/publications/police-funding-special-grant-guidance/special-grant-guidance>

**10. Can the Home Office explain why the McCann case is treated differently to other cases?**

The former Home Secretary, Theresa May, asked the Commissioner of the MPS to undertake a review of the case in May 2011. As with all Special Grant funding requests the MPS are required to apply for funding, which is then dealt with in accordance with the guidance (see link in Q9 above).

If you are dissatisfied with the response to Q1 to Q9 you may request an independent internal review of our handling of your request by submitting a complaint within two months to [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference 45580. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

**Efficiency and Resources Unit**

**Freedom of Information request from K Gallagher (reference 45580)****Information requested****Can the original application [for Special Grant funding from the MPS] be provided?****Response**

The information is exempt from disclosure under the following sections of the FOIA:

- Section 27(1)(a) (international relations) applies to information if its disclosure would, or would be likely to, prejudice relations between the United Kingdom and any other State.
- Section 31(1)(a) (law enforcement) applies to information if its disclosure would, or would be likely to prejudice the prevention or detection of crime.
- Section 31(1)(b) (law enforcement) applies to information if its disclosure would, or would be likely to prejudice the apprehension or prosecution of offenders.
- Section 40(2) provides that information is exempt from disclosure if it constitutes personal data and its disclosure would contravene any of the data protection principles. Section 40 is an absolute exemption and there is no requirement to consider the public interest.

Section 27(1)(a) applies because the application contains information about lines of enquiry that cannot be disclosed, which involves discussion with other European states and enforcement agencies. Section 31(1)(a) applies as it may prejudice the investigation if details contained within the application were to become public. Section 31(1)(b) applies as it may prejudice any future apprehension or prosecution of suspected offenders.

**Public interest test in relation to sections 27(1)(a) – international relations,****Considerations in favour of disclosing the information**

There is a significant and ongoing public interest in the disappearance of Madeleine McCann. The public interest is clearly served by releasing information into the public domain that provides details of organisations which might be involved in considering or investigating the circumstances.

**Considerations in favour maintaining the exemption**

The public interest and the best interest of the British public are served by the fact that the United Kingdom develops and maintains strong and healthy relations with other nation states. These diplomatic relations serve the public interest in matters such as trade, defence, the environment, human rights and the fight against terrorism and international crime. It is therefore clearly apparent that prejudicing our relationship with another foreign state could have ramifications on many matters that are of significant public interest.

Furthermore, there is also the strong argument that if the British Government is seen to release information that proves to prejudice its relations with one country, other countries or international organisations would be likely to reconsider their relations with the United

Kingdom. This could, in turn, prejudice the United Kingdom's activities relating to its citizens or companies abroad, particularly their consular and commercial interests. It could also affect the sharing of information about other states' views or intentions, provided in the course of diplomatic and political exchanges.

## **Conclusion**

We have concluded that the balance of the public interest lies in maintaining the exemption and withholding the information.

## **Section 31(1)(a) and Section 31(1)(b) – law enforcement**

### **Considerations in favour of disclosing the information**

For an investigation that has attracted national public and media interest, any disclosure of information would demonstrate that the investigation is being managed effectively and appropriately. In this case, the information is not in the public domain and would be open to greater public scrutiny and accountability, other than that imposed already on criminal investigations. Alongside information already released by the investigating police force and reported in the media, disclosure would provide a greater knowledge of this investigation.

### **Considerations in favour of withholding the information**

Where information involves a live and ongoing investigation, it is considered exempt from disclosure as demonstrated by section 30 (Investigations and proceedings conducted by public authorities) of the Act. As a class based exemption, section 30 allows for information to be withheld if it is held by that authority for the purposes of a criminal investigation or proceedings. As the Home Office is not directly involved with the investigation, section 30 cannot apply. However it would not be correct for information to be released via another public authority simply because section 30 does not apply. Therefore, in this case, section 31 (Law enforcement) is used as an alternative.

Any information disclosed under FOI A which is harmful to a criminal investigation or proceedings would obviously not be in the public interest to disclose. This is reflected by the legislators under section 30 of the Act, where any information held for the purposes of a criminal investigation or proceedings. When information is released by an investigating Police Force this is usually in a controlled manner by the investigating force and this should not be circumvented by the Act.

## **Conclusion**

After careful consideration I have decided that question 3 of your request is exempt from disclosure under sections 31(1)(a) & (b) of the Act. These provide that information can be withheld where disclosure would have a negative impact on law enforcement (or in this case a live investigation) and would breach the Data Protection Act and the public interest falls in favour of applying these exemptions.

**Date: 20 March 2018**