



Information Management

Freedom Of Information

PO BOX 9
Laburnum Road
Wakefield
WF1 3QP

Tel: 01924 296006
Fax: 01924 292726
Email: foi@westyorkshire.pnn.police.uk
Website: www.westyorkshire.police.uk

Our ref: 6230/17

Date: 24/01/2018

Dear Mr Clarke,

Thank you for your request for information, received by West Yorkshire Police on 21.12.17.

You requested the following information:

With regards to Operation Painthall. It was announced earlier this year (2017) that West Yorkshire Police were re-interviewing Peter Sutcliffe aka The Yorkshire Ripper over other unsolved cases.
Has this Operation been completed?
What is the outcome?

West Yorkshire Police can neither confirm nor deny that Operation Painthall exists as the duty in section 1(1)A) of the Freedom of Information act does not apply by virtue of Section 30(3) - Investigations and proceedings conducted by the public authority.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

Please see appendix A for a full legislative explanation as to why West Yorkshire Police can neither confirm nor deny whether this information is held.

COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided, please read the advice notice attached to this letter. If you do wish to take up your right of complaint, please remember to quote the reference number above, in any future correspondence.

Yours sincerely,

Rebecca Fawcett
Disclosure Officer

Appendix A

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

DECISION

This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant a notice which:-

- (a) states the fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

REASONS FOR DECISION

West Yorkshire Police can neither confirm nor deny that it holds any further information, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption(s):

Section 30(3) - Investigations and Proceedings conducted by Public Authorities

Section 30 is a qualified exemption and I am obliged therefore to consider the public interest test in neither confirming nor denying that information is held.

Factors favouring not maintaining a neither confirm nor deny stance

Confirming or denying that Operation Painthall exists would lead to a better informed general public. This would further promote public trust in providing transparency and demonstrating openness and accountability. Confirmation or denial could also provide reassurance to the general public.

Factors favouring maintaining the neither confirm nor deny stance

By confirming or not that Operation Painthall exists would disclose what facts may or may not exist in relation to criminal investigations. If to confirm or deny whether this information exists would harm any investigation, by denying justice to those involved or jeopardising such investigations from reaching a satisfactory conclusion, then it would not be in the public interest to do so. To confirm or deny could allow any potential offender to evade detection, putting the public at increased risk and discouraging them from providing intelligence in order to assist with investigations.

Balance test

The Police Service is charged with enforcing the law and preventing and detecting crime. Irrespective of what information is or isn't held, the ability to deliver effective law enforcement is of paramount importance. Confirming or denying (by citing an exemption or stating no information held) would undoubtedly compromise both investigative processes and the delivery of law enforcement, which constitutes the core function of the police service. I am satisfied that the balance of public interest lies in

maintaining the exclusion of the duty to confirm nor deny whether further information is or is not held by West Yorkshire Police.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

COMPLAINT RIGHTS

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

You have the right to request that West Yorkshire Police review their decision. Prior to lodging a formal complaint, we encouraged that you discuss the decision with the case officer that has dealt with your request.

2. 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.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police, made under the Freedom of Information Act 2000 regarding access to information, you can lodge a written complaint to have the decision internally reviewed.

A West Yorkshire Police internal review of your decision, will be carried out by a senior member of staff who is fully trained in interpreting Freedom of Information legislation. The review will be independent conducted, regardless to the original decision made.

Complaints will only be treated as valid, if they are received by West Yorkshire Police within a 60 day timeframe from the date of the decision letter. They must include the original FOI Reference Number and can only be submitted in writing, by using the following contact details:

foi@westyorkshire.pnn.police.uk

or

West Yorkshire Police
FOI Internal Reviews
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances, West Yorkshire Police will aim to complete and respond to your internal review within 20 working days. However this date may be extended in exceptional circumstances, by another 20 working days.

4. The Information Commissioner

If you are still dissatisfied with the internal review decision, made by West Yorkshire Police. You can then make an 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.ico.gov.uk

Alternatively, you can phone their helpline or write to them at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
FOI Help Line: 0303 1231113