



# WEST YORKSHIRE POLICE

## Disclosure Unit

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### *Information Management*

Our Ref: 2903/19

Dear N. Wilby,

#### **RE: Internal review of FOI 1452/19**

I am in receipt of your request for an internal review of the response provided under the Freedom of Information Act 2000.

I have been asked to review the response as an independent person who was not involved with the original request and subsequent response.

Your request 1452/19 asked for the following information:

A. Operation Waffle edge (this was spawned from the widely reported Operation Thatcham cash-for-crash joint investigation by WYP, the Ministry of Justice and the Motor Fraud Bureau.

Please disclose the following information, by way of the Act, concerning Waffleedge, an investigation carried out by the Professional Standards Department of WYP in, or around, 2012 or 2013:

1. Date of first entry in policy book (or log).
2. Date last action is recorded in policy book (or log).
3. Name of Gold Commander
4. Name of Silver Commander.
5. Terms of reference (redacted to exclude any personal information).
6. Any electronic data held by WYP that can be retrieved by using the search term 'Insurance Fraud Consultants Ltd'.
7. Any electronic data that can be retrieved by using either of the search terms 'QV Investigation Services' or 'QV Forensics' or 'qvforensics.com'

Operation Wafflehead was referred to a number of times by the parties and the judge, in open court, on 8th February, 2019 at Bradford Combined Court Centre. At the conclusion of those proceedings, I was given permission by HHJ Neil Davey QC to address him from the press seats on the matter of reporting. He stated, unequivocally, that he did not intend to put any restrictions in place and what was heard that day could be fully reported. Which is, of course, my intention.

Having obtained the Order dated 13th February, 2019 consequent to those proceedings, and re-checked my own notes taken on the day, there are no residual matters in issue concerning this investigation that would impede disclosure, by way of the Act.

B. Other data held by WYP, believed not to be connected to either Operation Thatcham or Waffleedge but, more broadly, concerning insurance fraud.

You have requested an internal review:

I am writing to request an internal review of West Yorkshire Police's handling of my FOI request 'Operation Waffle Edge (or Waffleedge)'.

1. To assist the reviewer, this is a report of the proceedings published after the most recent hearing of the civil claim referred to in the request, in which Operation Waffleedge is referenced. On the basis of submissions to the court, by counsel for WYP, there can be no reasonable basis for a NCND response.

<http://neilwilby.com/2019/04/08/court-set-to-hear-5-million-civil-claim-against-police>

Having reviewed your original request and the response provided I am satisfied that the NCND has been appropriately applied and supported throughout the public interest test. I have laid out my additional considerations below.

Although this was a 'public' hearing, as with other court cases the window of opportunity has now passed. Information that is heard in court then quoted via unofficial sources is not in the public domain from an official source. This information is caught during a 'window of opportunity', therefore is not a formal acknowledgement into the public domain. A confirmation or denial by West Yorkshire Police through Freedom of Information would therefore be revealing 'new' information.

Please see the ICO guidance below;

<https://ico.org.uk/media/for-organisations/documents/1204/information-in-the-public-domain-foi-eir-guidance.pdf>

Section 40(5) Confirming or denying if any information is held in relation to this request would in turn make public, personal information of West Yorkshire Police employees that may or may not still work within force. Confirming or denying an individual's role in relation to this request would enable them to be linked to other roles within their West Yorkshire Police career. Providing this confirmation or denial would contravene principle 1 of the Data Protection Act 2018; lawfulness, fairness and transparency.

Questions 1, 2 and 5 are in relation to investigative material that may or may not be held therefore, the duty in S1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of Section 30(3).

The duty in S1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of Section 31(3) in relation to the confirmation or denial of a specific operation and the roles that may or may not have been a part of that.

Therefore I do not uphold this section of your complaint.

2. Questions 6 and 7 are perfectly valid under the Act, in my respectful submission. They are plainly expressed and clearly indicate the information sought for disclosure.

A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/operation\\_waffle\\_edge\\_or\\_waffle](https://www.whatdotheyknow.com/request/operation_waffle_edge_or_waffle)

I am satisfied that questions 6 and 7 are valid under the Freedom of Information Act and uphold this element of your complaint.

In light of this a search has been conducted using the search terms 'Insurance Fraud Consultants Ltd', 'QV Investigation Services', 'QV Forensics', 'qvforensics.com'. This search returned only correspondence in relation to this request, and therefore West Yorkshire Police do not hold any information in relation to those questions.

If you are dissatisfied with the internal review decision made by West Yorkshire Police, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirement of the Act. For information on how to make an application the Information Commissioner please visit their website at [www.ico.gov.uk](http://www.ico.gov.uk).

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

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

FOI Help line: 0303 1231113

Yours sincerely,

Emily Dawson  
Disclosure Officer