



**Inspector Dave Lockyear**  
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**Your ref:**                              **Our ref:**

22 August 2011

Mr Ian Puddick

Dear Mr Puddick

**REQUEST FOR INFORMATION REF: COL/11/380, COL/11/381, COL/11/382,  
COL/11/383, COL/11/384 AND COL/11/407**

I write in connection with your request for information dated 24 July and 6 August 2011 in which you seek access to information relating to 48 questions contained in 6 separate emails, listed below.

Public Authorities are subject to two duties in respect of Section 1 of the Freedom of Information Act. The first is to confirm whether or not the requested information is held (subsection 1 (a)) and the second is to disclose the information if it is (subsection 1(b)).

Both duties are subject to the exemption contained in Section 12(1) of the Freedom of Information Act, where the cost of compliance exceeds the appropriate limit.

In accordance with Section 5 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, your 6 requests have been aggregated for the purpose of assessing the cost of complying with Section 1 of the Freedom of Information Act.

In this case, the cost of complying with Subsection 1 (a) of Section 1 does not exceed the £450 limit prescribed by the Secretary of State in accordance with powers contained in Section 12 of the Freedom of Information Act. Unless another exemption applies, we have stated, below each question, whether or not the information is held.

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However, we estimate that the cost of complying with Subsection 1 (b) of Section 1 would exceed the prescribed limit. For example, information relating to question 17 of COL/11/380 is only contained in the individual overtime claim form submitted by the officer working the overtime. In order to retrieve the information, it would be necessary to examine each record manually to determine if it relates to the criteria contained in the question. We estimate that we would need to examine in excess of 2,000 overtime records and that it would take at least one minute to examine each. The cost of completing this work would therefore exceed the prescribed limit of £450.

The advice of the Information Commissioner's Office is that if one part of a request exceeds the prescribed limit, then the entire request should be regarded as over cost. The work has not therefore been done.

### **Duty to assist applicants**

In accordance with Section 16 of the Freedom of Information Act, public authorities have a duty to assist applicants where the cost of compliance exceeds the prescribed limit.

We have included advice, where appropriate, below each question. In some cases, we have also offered additional information where we believe that it will be of assistance. Such information is offered outside the provisions of the Freedom of Information Act.

#### COL/11/380

1. *In July and August 2009 DC Colin Dawson went to KROLL offices and had meetings with Managing Director Ben Hamilton and Aruna De Oliveria Costa, how many meetings took place?*
2. *How many Police hours were spent at meetings?*

#### Questions 1 and 2

By virtue of Section 40(5) of the Freedom of Information Act, the City of London Police can neither confirm nor deny that information relating to questions 1 and 2 is held.

The duty to confirm or deny does not arise by virtue of section 40(5) where giving such confirmation or denial would disclose personal data of which the applicant is not the data subject, in contravention of any of the Data Protection Act Principles or Section 10 of the Data Protection Act. Any disclosure made by virtue of the provisions of the Freedom of Information Act is regarded as a public disclosure and not a disclosure to an individual. In this case, confirmation or denial that the information is held would publicly disclose whether or not a named individual was involved in a criminal investigation. This is likely to be unfair and be in contravention of the first Data Protection Act principle. This is a class-based exemption and it is not necessary to demonstrate the potential for harm to occur. In these circumstances, this is also an absolute exemption which is not subject to an assessment of the public interest.

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3. *How much overtime was claimed by DC Colin Dawson throughout Operation BOHAN?*

I confirm that this information is held by the City of London Police.

Additional information

This information is personal data relating to a third party and we believe that the exemption contained in section 40 of the Freedom of Information Act – Personal Information, would be engaged, should the question remain in a refined request.

4. *Please provide details of the monitoring and auditing of claims made for all overtime throughout the duration of Operation BOHAN?*

This information is not held by the City of London Police.

Additional information

No special measures relate to the management of overtime in respect of Operation Bohan.

5. *Please provide details of criteria laid down in for claims relating to overtime together with any guidelines received from the Home Office*

I confirm that this information is held by the City of London Police.

Additional information

This information is contained in Police Regulations, and may be viewed via the following link:

<http://www.legislation.gov.uk/ukSI/2003/527/regulation/25/made>

6. *Please confirm how many meetings took place between Detective Chief Inspector Chandler, Detective Superintendent Davies and KROLL MD, Ben Hamilton?*
7. *Please confirm how many meetings took place between Detective Chief Inspector Chandler, Detective Superintendent Davies and KROLL Head of Security, Dan Mead?*

Questions 6 and 7

By virtue of Section 40(5) of the Freedom of Information Act, the City of London Police can neither confirm nor deny that information relating to questions 6 and 7 is held.

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8. *How many ex City of London Police Officers now work at KROLL?*

This information is not held by City of London Police.

9. *Was Dan Mead formally employed by City of London Police, in any capacity?*

I confirm that this information is held by the City of London Police.

Additional information

This information is personal data relating to a third party and we believe that the exemption contained in section 40 of the Freedom of Information Act – Personal Information, would be engaged, should the question remain in a refined request.

10. *Please provide a list of all officers employed by City of London Police who are members of the following organisation - Freemason. If names cannot be provided, please provide figures of the known number of Police Officers who are Freemasons.*

I confirm that this information is held by the City of London Police.

Additional information

There is no requirement for an officer to disclose this information, but if he or she does, the information is manually recorded in the officer's personnel file. Retrieval of the data would require a manual search of every personnel record and is likely to be over cost should this question remain in a refined request.

11. *How much overtime in total was claimed by officers in 2009?*

12. *How much overtime in total was claimed by officers in 2010?*

13. *How much overtime was claimed by officers in the Counter Terrorism and Major Crimes Directorate in 2009?*

14. *How much overtime was claimed by officers in the Counter Terrorism and Major Crimes Directorate in 2010?*

15. *How many Terrorist investigations were carried out in the period 2009 - 2010?*

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16. *How many NON-Terrorist investigations were carried out in the period 2009 - 2010?*

17. *How much overtime was claimed by officers from the Counter Terrorism and Major Crimes Directorate on NON-Terrorist investigations?*

Questions 11 to 17

I confirm that this information is held by the City of London Police.

COL/11/381

1. *Please list meetings with News International?*

2. *Please list meetings with KROLL?*

3. *How many meeting did Commissioner Adrian Leppard have with News International and KROLL?*

Questions 1, 2 and 3

We would need to seek clarification from you in respect of the time scale and names or groups of individuals to whom you are referring.

4. *How many social functions has the Commissioner attended at the invitation of News International and KROLL?*

I confirm that this information is held by the City of London Police.

Additional information

Hospitality received by officers of ACPO rank is recorded in the City of London Police publication scheme and may be viewed via the following link:

<http://www.cityoflondon.police.uk/NR/rdonlyres/E0A88DBA-412F-417D-AEF7-B0239A678E9C/0/hospitalityregister200710.pdf>

We have no record of the Commissioner having received any hospitality from News International or Kroll.

5. *How much money did City of London Police pay KROLL for the investigation services?*

We would need to seek clarification from you in respect of which investigation services you are referring to.

6. *How much is the City of London Police entertainment budget?*

I confirm that this information is held by the City of London Police.

Additional information

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The City of London Police does not hold an entertainment budget, but does hold a hospitality budget, for items such as tea and coffee for visitors.

7. *Please provide details of absenteeism from duty from serving Police officers due to illness, injury at work?*

I confirm that this information is held by the City of London Police.

COL/11/382

1. *Please could you provide the number of times in 2010 officers from the Counter Terrorism and Major Crimes Directorate went undercover and attended Speakers Corner, Hyde Park London and listened to Ian Puddick speak in public?*
2. *Please name the officer in charge that authorised DC Julian Bell to attend Speakers Corner on a Sunday in the capacity of working undercover to listen to Ian Puddick?*
3. *How many did DC Julian Bell attend Speakers Corner to listen to Ian Puddick?*
4. *Please confirm DC Julian Bell works for City of London Counter Terrorism and Major Crimes Directorate?*
5. *On what grounds was such surveillance justified?*

Questions 1, 2, 3 and 5

This information is not held by City of London Police.

Additional information

No officer has attended Speaker's Corner 'undercover' to listen to Ian Puddick. The officer to whom you refer was not on duty and did not visit Speaker's Corner to listen Ian Puddick speak.

Question 4

I confirm that this information is held by the City of London Police.

Additional information

I confirm that Dc Julian Bell works within the City of London Counter Terrorism and Major Crimes Directorate.

COL/11/383

1. *Please could you provide the name of the officer that attended the offices of KROLL in July 2009?*
2. *Please provide the name of the officer that interviewed Leena Puddick at the office of KROLL (& Guy Carpenter Ltd) in 2009?*

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3. *Please identify the rank of the officer that interviewed Leena Puddick?*
4. *Please provide the email request for this meeting from KROLL to City of London Police?*
5. *Please name the KROLL agent that requested this meeting?*
6. *Please provide all records relating to this meeting?*
7. *Was this interview carried out under caution and in accordance with PACE?*

### Questions 1 to 7

By virtue of Section 30(3) (questions 1 to 7) and Section 40(5) (questions 2 to 7) of the Freedom of Information Act, the City of London Police can neither confirm nor deny that this information is held.

Information is exempt by virtue of section 30(1) where it has, at any time, been held for the purpose of an investigation. The duty to confirm or deny does not arise in relation to information which is exempt by virtue of this section. In this case, the information, if held, would have been obtained for the purpose of a criminal investigation. This is a class-based exemption and it is not necessary to demonstrate the potential for harm to occur. It is however a qualified exemption subject to an assessment of the public interest and the factors favouring confirmation and non-confirmation that the information is held or not held are listed below.

### ***Assessment of the public interest***

#### ***Factors favouring confirmation or denial***

The case has attracted some media interest and confirmation or denial would disclose whether or not the named individual and organisations were involved in the investigation.

#### ***Factors not favouring confirmation or denial***

Investigations often require a partnership approach together with the cooperation and contribution of members of the public and other organisations. There is an expectation that the detail such investigations will remain confidential and confirmation or denial that the information is held would disclose whether or not the named individual and organisations were involved in the investigation. This would undermine the partnership approach and confidence in the police service, compromising the likelihood of cooperation in the future.

### ***Balancing the public interest***

We believe that the benefit to the public is limited, when compared to the potential harm to future investigations and therefore conclude that the public interest does not favour confirmation or denial in this case.

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COL/11/384

1. *Please could you provide me with the time that I signed my charge sheet at Wood Street Police Station Sept 2009?*

I confirm that this information is held by the City of London Police.

Additional Information

This information is the personal data of the applicant and we believe that the exemption contained in section 40 of the Freedom of Information Act – Personal Information, would be engaged, should the question remain in a refined request.

However, it is available free of charge as part of the custody record, outside the provisions of the Freedom of Information Act, subject to the data subject providing proof of identity and a private address for correspondence.

2. *Please could you provide me with the time that DS John Ellis and DC Colin Dawson accessed the electronic door entry system to the custody area and the interview room (DS Craig Mullish has this information)?*

We would need to seek clarification from you in respect of the day and approximate time of the occurrence to which you refer.

3. *Please details the criteria of City of London Police concerning interviewing people WITHOUT caution in relation intelligence gathering interviews, under what basis have these been approved and provide details confirming the legality of such interviews.*

I confirm that this information is held by the City of London Police.

COL/11/407

1. *Please confirm how much money Kroll invoiced City of London Police for this joint operation [Operations Bohan and Marten]?*
2. *Please could you provide the name and rank of the officer that provided Kroll or anyone other private company with my phone location, also known as 'pinging'?*

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## Questions 1 and 2

This information is not held by the City of London Police.

### Additional information

No information or funds have been passed to Kroll in relation to the above named operations.

3. *Please provide details of any and all hospitality offered by Kroll to any City of London Police?*
4. *Please provide name and rank of any City of London Police officer that has accepted hospitality from Kroll?*

This information is not held by City of London Police.

### Additional information

There is no record of any hospitality having been offered to any City of London staff member by any Kroll employee.

5. *Please provide the number of times DC Colin Dawson met with Kroll operatives at Kroll London Office?*
6. *Please provide the number of times DS John Ellis met with Kroll operatives at Kroll London Office?*
7. *Please provide the number of times Detective Chief Inspector Chandler met with Kroll MD Mr Benedict Hamilton at City of London Police offices between 1 June - 30 August 2009*
8. *Please provide the number of times Detective Superintendent Davies met with Kroll MD Mr Benedict Hamilton at City of London Police offices between 1 June - 30 August 2009*

## Questions 5 to 8

By virtue of Section 30(3) (questions 5 to 8) and Section 40(5) (questions 7 and 8) of the Freedom of Information Act, the City of London Police can neither confirm nor deny that this information is held.

Information is exempt by virtue of section 30(1) where it has, at any time, been held for the purpose of an investigation. The duty to confirm or deny does not arise in relation to information which is exempt by virtue of this section. In this case, the information, if held, would have been obtained for the purpose of a criminal investigation. This is a class-based exemption and it is not necessary to demonstrate the potential for harm to occur. It is however a qualified exemption subject to an assessment of the public interest and the factors favouring confirmation and non-confirmation that the information is held or not held are listed below.

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## ***Assessment of the public interest***

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Investigations often require a partnership approach together with the cooperation and contribution of members of the public and other organisations. There is an expectation that the detail such investigations will remain confidential and confirmation or denial that the information is held would disclose whether or not the named individual and organisations were involved in the investigation. This would undermine the partnership approach and confidence in the police service, compromising the likelihood of cooperation in the future.

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9. *How many officers from city of London Counter Terrorism & Major Crimes Directorate have left the service for employment at KROLL?*

This information is not held by City of London Police.

Please accept my apologies for the delay in replying to your request. Should you have any further questions, please contact me, quoting one of the reference numbers above.

Yours sincerely

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