

Melling, Carl

From: Melling, Carl
Sent: 04 April 2012 16:58
To: 'casework@ico.gsi.gov.uk'
Subject: RE: FOI complaint[Ref. FS50425760] [PROTECT -MANAGEMENT]
Attachments: mcgart.pdf

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Dear Sarah

Further to previous correspondence; again, I apologise that I have not been able to respond before now.

With regards to your first enquiry, concerning the broader scope of the information request, I can confirm that the Chief Constable's office informed me that no information was held in respect of communications between the Chief Constable and the Chief Constable of Northumbria within the timeframe stated, relating to the FOI requests cited, or any other matter.

I have attached the file note relating to the request which details the date that I made the enquiries of the Chief's Office.

In respect of part 1 of the second part of the request, this was considered taking account of the specific limited timeframe stipulated within the request, and based on the content/ context of the responses provided to the FOIA requests referenced. In light of the context/ limited period from which information was sought, I can confirm that the request was considered specifically in relation to the FOIA requests. However, with regard to the interpretation of the request there was no reason to believe that there would have been any communication between any member of staff from Lancashire Constabulary and Northumbria in respect of the 'subject matter' of either previous FOIA request, because in both these cases the response was 'negative' (albeit I accept information could have been generated between the time of response to those requests and 'until this request is answered'. The scope of one of the requests was for information relating to *any terrorism offence referring to a shooting using a handgun in Lancashire*, and would not have been considered specifically relating to Mr McGartland. In any event, to have sought information from all staff, would have led to consideration and likely application of excess cost.

With regards to part 2 of the second aspect of the request, this relates to 'all information concerning any relationship, either professional or personal, between Steve Finnigan and Sue Sim'. Again, the Chief Constable's office confirmed that no information was held either in a professional or personal capacity; the only correspondence that might refer to Sue Sim would be circular correspondence which would be sent/ copied to all Chief Constables/ Chief Officers.

I hope this is helpful but please let me know if you require anything further.

Regards
Carl

Carl Melling LLM MBA ACIS
Data Protection and Information Manager
Lancashire Constabulary



Information Matters – Let's Get It Right!

From: casework@ico.gsi.gov.uk [mailto:casework@ico.gsi.gov.uk]
Sent: 14 March 2012 12:13
To: Melling, Carl
Subject: FOI complaint[Ref. FS50425760]

14 March 2012

Dear Mr Melling

Freedom of Information Act 2000
Section 50 complaint from Mr Martin McGartland
Your ref: 3363/11

Thank you for your email of 7 March. I have a couple of further questions which I have set out below.

Communication between the two Chief Constables

The first part of the request is as follows:

Under the Freedom of Information Act please can you provide me with any documents, information or communications made between Chief Constable of Lancashire Constabulary, Steve Finnigan and Chief Constable of Northumbria Police Sue Sim since 1st July 2011 and until this request is answered.

It appears to me that this part of the request is asking for *any* kind of communication between the two Chief Constables during the time period specified, as opposed to the other parts of the request which appear to be limited to communications relating to the FOI requests cited, and Mr McGartland's shooting. Therefore I will need to be sure that the Constabulary has interpreted the request accurately.

Your email advises that you checked with the Chief Constable's office and that you were advised that no relevant information was held. I would be grateful if you could clarify whether your search was for *any* communication between the dates given, rather than just communication relating to FOI requests or the shooting. Please provide copies of any records of this search (eg memos, file notes or emails).

Communication between the two forces

The second part of the request is as follows (despite the numbering used by the complainant):

1. Please can you provide me with any documents, information concerning any contact, both written or verbal, between above dates and between any member of

Lancashire Constabulary staff and also any member of Northumbria Police staff, including both FOI/DPA departments concerning following requests and or that subject matter;

<http://www.whatdotheyknow.com/request/co...>

<http://www.whatdotheyknow.com/request/te...>

Again, I note that the Constabulary took the decision to restrict the search, this time to the FOI department and the Chief Executive's Office. However Mr McGartland's request clearly includes "any member of staff", and sets the scope of the request as "concerning the following requests and or that subject matter". The requests cited concern complaints to Facebook about copyright infringement, and terrorist-linked shootings in particular circumstances during the last 15 years.

Please clarify how the Constabulary interpreted "that subject matter", as it appears from the correspondence that the Constabulary interpreted this part of the request as for communications relating to the actual FOI request only. For example, did the Constabulary consider whether the scope of the request could include communication between the two forces about Mr McGartland's shooting? Again, I would be grateful for copies of any documentation relating to the handling of this part of the request.

Section 40(5)(a)(i)

I note your comments in relation to the question of any "personal relationship" between the two Chief Constables, and I do not believe I require any further information on this part of the request at this point. However I would be grateful if you could clarify the Constabulary's consideration of the part of the request for information relating to any "professional relationship" between the two individuals. It is not clear to me how this part of the request was considered, but I do think it would need to be clarified in a Decision Notice.

I appreciate that you have a heavy workload, but I am requesting a response to these queries within ten working days as is usual ICO procedure. If you feel it would be helpful to discuss any of the issues I have raised please feel free to call me at any time.

Thank you for your continuing assistance in this matter.

Regards

Sarah

Sarah O'Cathain Senior Case Officer

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