

## Melling, Carl

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**From:** Melling, Carl  
**Sent:** 30 March 2012 18:01  
**To:** 'casework@ico.gsi.gov.uk'  
**Subject:** RE: FOI complaint[Ref. FS50425760] [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Hi Sarah

I'm afraid I have not managed to pick up your further enquiries. I'm not in on Monday, and will be tied up in meetings Tuesday. I will make it my first priority on Wednesday to respond. Apologies again for the delay.

regards  
Carl

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

Information Compliance and Disclosure Section, Police Headquarters

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**From:** Melling, Carl  
**Sent:** 15 March 2012 16:43  
**To:** 'casework@ico.gsi.gov.uk'  
**Subject:** RE: FOI complaint[Ref. FS50425760] [NOT PROTECTIVELY MARKED]

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NOT PROTECTIVELY MARKED

Dear Sarah

Thank you for your email below.

I was out of the office yesterday, and I am on leave after today until the 27<sup>th</sup>.

Unfortunately, therefore, I will not be able to respond until my return. I will seek to ensure you receive a response by the 30<sup>th</sup>.

Regards  
Carl

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

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**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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