



Our Ref: IR0685.2017-18  
Your Ref:  
Date: 08 December 2017

Civil Disclosure  
Joint Corporate Legal Services

Gwen Swinburn  
request-434803-4dc6370f@whatdotheyknow.com

Dear Ms Swinburn,

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: IR0685.2017-18**

I write in connection with your request for an internal review which was received on 01 November 2017. Please accept our apologies for the delay in providing you with a response. I note you originally sought access to the following information:

*RE: information rights tribunal hearing at Barnsley Law Courts (EA/2017/0076).*

*Please provide a statement of the total cost expended by the PCC's office and the CDU in defending the appeal since it was first made in May 2017.*

*The sum should include both internal and external costs and a split between the two.*

*The costs should include the amount spent on counsel at the hearing.*

You have requested an internal review of North Yorkshire Police's handling of your Freedom of Information request on the grounds that;

*Having been at the hearing I was very surprised at the very modest costs attributed to 'internal costs'. Please will you therefore review and address this point?*

**Decision**

According to Authorised Professional Practice guidance, 'the internal review stage is an opportunity to consider a request completely afresh. It should be an independent review of the original decision.'

I have therefore decided to provide an independent response to the original request.

Upon review of the recorded information relating to the referenced information rights tribunal, it is noted that there is a discrepancy with the costs disclosed previously to what I have calculated upon my review.

In light of this, I therefore uphold the original decision to disclose information however I wish to offer an amended response to illustrate the correct costings. Please therefore see North Yorkshire OPCC's amended response below;

The total costs expended by the Joint Corporate Legal Service and external Counsel in relation to the Tribunal hearing EA/2017/0076 was £4,374.37. This is for the period 13 April and 29 September 2017.

The total includes an estimated cost of £384.37 for internal costs and £3,990 for external legal fees (inclusive of VAT), which includes work done prior to the hearing and representation on the day.

Staff time in dealing with these matters is not recorded as a matter of routine course, therefore the estimated internal costs have been calculated by reviewing the work carried out within the legal file against the staff hourly rates (plus on costs).

The discrepancy in external legal fees can be attributed to an invoice being miscounted.

If you are still dissatisfied with the decision you may make 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.

**Complaint Rights**

Your attention is drawn to the attached sheet which details your right of complaint.

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Robert Bates  
Legal Officer (Civil Disclosure)  
Joint Corporate Legal Services  
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## **COMPLAINT RIGHTS**

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

You have the right to require the North Yorkshire Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

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.

### **Complaint**

If you are dissatisfied with the handling procedures or the decision of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services  
North Yorkshire Police  
Alverton Court  
Crosby Road  
Northallerton  
North Yorkshire  
DL6 1BF

In all possible circumstances the North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

### **The Information Commissioner**

After lodging a complaint with North Yorkshire Police if you are still dissatisfied with the decision you may make 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 <https://ico.org.uk>. Alternatively, phone: 0303 123 1113 or write to:

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