

Our Ref: 438.2016-17

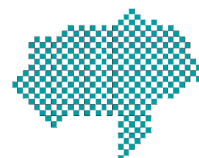
Your Ref:

Date: 10th February 2017

request-350254-5da99417@whatdotheyknow.com



Police and Crime
Commissioner
North Yorkshire



Joint Corporate Legal Services

Dear Mr Wilby,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 438.2016-17

I write in connection with your request for information which was received by North Yorkshire Police on 08 August 2016, following which you made a complaint to the ICO. North Yorkshire Police have now reconsidered the position.

I note you seek access to the following information:

Please supply the following information:

- 1. Total billed by Weightmans to North Yorkshire Police (or NYPCC) for all work done by Weightmans up to and including close of business on 8th August, 2016 (This request, under FOIA, will be deemed to have been received on 9th August, 2016) in connection with county court claim number C1QZ56W6. Listed as Neil Wilby -v- Chief Constable of North Yorkshire Police. Invoices should be disclosed where available.*
- 2. Name of all senior NYP officer(s), or solicitor(s), instructing Weightmans.*
- 3. Rationale for instructing the senior partner of a Leeds-based Top 45 law firm to deal with a low value money claim. Copies of all documents supporting that rationale.*
- 4. Budget allocated to defending the claim. Copies of all documents that refer to, and justify, that sum.*

Decision

Your request for information has now been considered and I am not obliged to supply the information requested.

Section 40 – Personal Information

I am exempting your request pursuant to Section 40(5)(a) of the Freedom of Information Act 2000 (the Act).

Section 17 of the Act requires North Yorkshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

North Yorkshire Police can neither confirm nor deny that it holds any of the information you have requested. To either confirm or deny that the information is held would disclose personal information relating to you and is therefore exempt under Section 40(5)(a) of the Act.

Section 40(5)(a) is an absolute class based exemption, which does not require a public interest test. To either confirm or deny that information is held about a person making a request under the Act would in itself disclose personal information about a named individual, and therefore the force is not obliged to fulfil its duty under Section 1(a) of the Act pursuant to Section 40(5)(a) of the Act.

These exemptions apply because the right given under the Act to request official information held by public authorities does not apply to personal data - any such requests become subject access requests under the Data Protection Act 1998.

However to satisfy the requirements under the Data Protection Act 1998 we require proof of your identity and receipt of the statutory fee. To establish your identity two official documents are required, which between them clearly show your name, date of birth and current address. Documents need to be originals as copies or certified copies cannot be accepted. The fee is £10 (cheques or postal orders to be made payable to North Yorkshire PCC).

The ID documents and fee can either be forwarded to the Civil Disclosure Unit, North Yorkshire Police Headquarters, Newby Wiske, Northallerton, North Yorkshire, DL7 9HA, or alternatively taken to any North Yorkshire Police station where you documents would be verified, copied and returned straight back to you, and a receipt issued for the fee.

Further information can also be found on the North Yorkshire Police website at the following link <https://northyorkshire.police.uk/access-to-information/data-protection-request/>. Once we have received the identity documents, fee and (if applicable) completed application form the process to provide you with information can take up to 40 days.

Please note that with a request for information under Data Protection you are only entitled to your own information and it is not guaranteed that you will be provided the information requested under a Subject Access Request.

Pursuant to Section 17(4) of the Act this letter also acts as a refusal notice in relation to the duty to confirm or deny.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Complaint Rights

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

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

I appreciate, that in the circumstances you may wish to continue your correspondence with the ICO and highlight any concerns that you have directly with them. I have therefore copied this amended response to the Information Commissioner for convenience.

Yours sincerely

Ashley Malone
Police Lawyer (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
Newby Wiske Hall
Northallerton
North Yorkshire
DL7 9HA

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 the 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 www.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Phone: 01625 545 700

