

PROTECT PERSONAL

Our Ref: 439.2016-17

Your Ref:

Date: 05 September 2016

request-350255-18817d01@whatdotheyknow.com



Police and Crime  
Commissioner  
North Yorkshire



Joint Corporate Legal Services

Dear Mr Wilby,

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: 439.2016-17**

I write in connection with your request for information which was received by the Office of the Police and Crime Commissioner on 08 August 2016. I note you seek access to the following information:

*Please supply the following information:*

- 1. Total billed by Weightmans to North Yorkshire Police and Crime Commissioner (or North Yorkshire Police) 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 C5QZ21V8. Listed as Neil Wilby -v- Police and Crime Commissioner of North Yorkshire. Invoices should be disclosed where available.*
- 2. Name of all NYPCC officer(s), or solicitor(s), involved in 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)(b) of the Freedom of Information Act 2000 (the Act).

The Office of the Police and Crime Commissioner (OPCC) 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 that an individual/s had, or had not, made a claim, which itself is personal information and therefore exempt under Section 40(5)(b) of the Act. To the extent that Section 40(5)(b) applies, The OPCC has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming or denying whether or not information is held.

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Jane Wintermeyer BSc (Hons) Acting Force Solicitor & Head of Legal Services  
Police Headquarters | Newby Wiske Hall | Northallerton | North Yorkshire | DL7 9HA  
DX No 68810 NORTHALLERTON 2 | Telephone 01609 789297 | Fax 01609 789987

Non-emergency  
Number



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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.

Section 40(5) is an absolute class based exemption, which does not require a public interest test, but requires the balancing of the legitimate interests of the public against the interests of the individual under the first Data Protection Principle (that of 'fairness'.) Where an individual can be identified by such data, releasing it would clearly breach the first data protection principle of being 'fair' to the data subject.

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, please contact me quoting the reference number above.

Yours sincerely

Caroline Williams  
Legal Officer (Civil Disclosure)  
Joint Corporate Legal Services  
Enc

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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](http://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