



Information Rights and Disclosure
Professional Standards and Legal Services
Peterlee Police Office
St Aidans Way
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Tel. No: 0191 3752596

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**Request to Durham Constabulary under the Freedom of Information Act
Received on 17th October 2016 Our Ref: 859/16**

Date: 10th November 2016

Your request:

In July or August 2013 Durham Constabulary were asked, on behalf of North Yorkshire Police, to investigate alleged fraud concerning a company called Dales Timber Ltd. The case attracted widespread publicity, including in the national press.

The information I seek can be summarised as follows:

1. The operational codename given to the investigation.
2. The terms of reference.
3. The name of the Gold Commander.
4. A copy of the Gold book (otherwise known as policy log or policy book). It is accepted that this will be redacted to exclude personal information/policing techniques
5. A copy of the investigation outcome/report. It is accepted that this will be redacted to exclude personal information/policing techniques.
6. The amount charged by Durham Constabulary to North Yorkshire Police as the cost of the investigation

Please note that Durham Constabulary's response to your request is unique and should not be used as a comparison with any other Force response you receive.

Notice of Non-Disclosure:

I am not disclosing the above requested information, pursuant to the exemption provision of Section 14(1) (Vexatious Requests) of the Freedom of Information Act 2000. In accordance with the Act, this letter represents a Refusal Notice for this particular request.

Reasons for Decision:

The Freedom of Information Act 2000 (FOIA) is a piece of legislation designed to give the public access to information held by public authorities with a view to holding that authority accountable to the public as a whole for its actions. It exists to make the decisions of those authorities transparent and to keep the populace better informed regarding matters which affect them.

Section 14(1) of the Act states that Section 1(1) (of the Act)(relating to the general



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right of access to information held by public authorities) does not oblige a public authority to comply with a request for information if the request is vexatious.

Guidance states that authorities may consider the following in deciding if a request may be considered vexatious:-

- Would complying with the request impose a significant burden?
- Is it fair to regard the request as obsessive?
- Is the request harassing the authority or causing distress to staff?
- Is it designed to cause disruption or annoyance?
- Does it lack any serious purpose or value?

The Information Commissioner provides guidance on vexatious requests which states:

"Section 14(1) may be used in a variety of circumstances where a request, or its impact on a public authority, cannot be justified. Whilst public authorities should think carefully before refusing a request as vexatious they should not regard section 14(1) as something which is only to be applied in the most extreme of circumstances."

I am also mindful of comment made within the First Tier Tribunal ruling *Hepple v IC and Durham County Council (EA/2013/0168)* which covers the subject of request being considered "motive blind":

"...We also bear in mind that it is frequently said that an information request should be considered without reference to the motive of the person making the request. That certainly ensures that focus is maintained on the fact that disclosure to a single requester is, effectively, disclosure to the world. But assessing an information request on this "motive blind" basis ought not to prevent us from considering the potential risk to safety posed by the requestor him/herself..."

The judgment can be read in full at the below link:

[http://www.informationtribunal.gov.uk/DBFiles/Decision/i1215/Hepple,%20Steven%20EA.2013.0168%20\(26.02.14\).pdf](http://www.informationtribunal.gov.uk/DBFiles/Decision/i1215/Hepple,%20Steven%20EA.2013.0168%20(26.02.14).pdf)

With regard to this specific request, the motive and history surrounding the request have been considered and deemed that it is valid for Durham Constabulary to cite Section 14(1).

Obsessive Request

A request may be considered as obsessive if there is reason to believe that it is the intention of the applicant to use the information to reopen issues that have already been debated and considered, such as investigations and complaints.

In this case it appears you are targeting this request around allegations of misconduct among police officers, staff and other individuals including local



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councillors allegedly connected to Dales Timber Ltd. These matters were fully investigated in 2012 and 2013 by North Yorkshire Police and Durham Constabulary. I am also mindful that aspects of the matter were referred to the Independent Police Complaints Commission (IPCC) by North Yorkshire Police in 2013.

It is my belief that you are attempting to use Freedom of Information legislation, not to obtain data aimed at holding the authority accountable for its actions and the use of public funds / resources as intended by legislators, but rather as a means to re-open personal issues with North Yorkshire Police and other individuals.

Lack of Serious Purpose or Value

While the Freedom of Information Act is generally not concerned with the motives of the applicant it must be acknowledged that the aim of the Act was to make public authorities accountable to those they serve. As such it is reasonable to expect that a request made to an authority has some identifiable purpose or value in ensuring that the authority is being correctly run / using public funds correctly, or provides data in which there is likely to be some legitimate public interest, even if this is to a minority section of the community.

The focus of this request, and many others you have made to other authorities, focuses on alleged misconduct offences against police officers, staff and public figures. Although it can be argued that it relates to the public purse, it seems futile to now put more resources into processing this, and other requests relating to the same subject area, where there is no apparent meaningful purpose to be gained by re-visiting issues that have been, historically, comprehensively addressed by both the police service and the IPCC.

Public Interest and the Value of Requests

The application of Section 14 of the Act is not subject to a public interest test. However, the examination of whether there is any real value in a request is pertinent and in this case, I believe that it is relevant to consider the issue.

It is right that the general public have the ability to hold Durham Constabulary responsible for its actions and the way that it uses various public resources. However, in this case it is my belief that, considering the passage of time, while a specific individual may well have an interest in the issues, the public interest in this matter is likely to be low and the information sought is of questionable use in holding the force accountable to the general public.

It is my belief that this request has little or no public interest value.

Summary

Having considered your request I am of the belief that it is not made within the spirit of the Act and as such is frivolous in its nature and that the time spent in answering the request would place an undue burden on staff, diverting them from their core role.



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As such, I believe that your request can be considered vexatious.

Durham Constabulary is not required to fulfil requests which are deemed to be vexatious and for this reason your request will not be processed any further.

COMPLAINT RIGHTS

Your attention is drawn to the below link to our website, which details your right to complain:

<https://www.durham.police.uk/About-Us/Freedom-of-information/General/Pages/FOI-Request.aspx>

Should you have any further enquiries concerning this matter, please write or contact me on the above telephone number.

I hope this is of assistance to you