



Tim Fast
request-459768-e71981c4@whatdotheyknow.com

Our Ref: IR1148.2017-18
Your Ref:
Date: 13 March 2019

Civil Disclosure
Joint Corporate Legal Services

Dear Mr Fast,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: IR1148.2017-18

I write in connection with your request for an internal review which was received by North Yorkshire Police on 28 February 2019 as follows:

"Please conduct an internal review of the handling of this request, which I expect to be conducted by someone in a position of seniority to Mr Bates.

I simply do not believe that you don't have an overarching compliance plan by which you can track your progress to compliance (perhaps in sheets of an Excel workbook). Please confirm if you have such a compliance plan, and provide it if you have one. Please also provide me with any gap analysis or similar that may have been conducted.

I am disappointed because I explicitly clarified that I do not want detailed information about particular assets or teams; it feels suspiciously like a s12 response was bashed out with little thought to 'keep me happy' after I chased your lack of compliance with the statutory timescale."

Decision

According to APP 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, which was as follows:

Please provide me with copies of reports, assessments and project plans (as well as any other documents) that relate to your progress and preparations for compliance with both the GDPR and Data Protection Bill.

Jane Wintermeyer BSc (Hons) Force Solicitor & Head of Legal Services
Police Headquarters | Alverton Court | Crosby Road | Northallerton | North Yorkshire | DL6 1BF
DX No 68810 NORTHALLERTON 2 | Telephone 01609 643542 | Fax 01609 789987

Non-emergency
Number



This information should include (but not be limited to):

- *use of consultants,*
- *progress of any information asset audits,*
- *review of contracts and information sharing,*
- *use of data processors,*
- *appointment of a data protection officer and,*
- *training/communications with your staff and officers on these issues.*

However, you then submitted a further e-mail to clarify your request as follows:

just to clarify (as some other forces have given me more than I wanted); I don't want copies of the asset register, training materials, etc. I just want to know what measures you intend on taking, and have so far taken, to comply with the GDPR, LED and DP Bill,

Therefore, taking into consideration your revised request and the clarification provided in your internal review e-mail I have conducted searches within North Yorkshire Police and have decided not to uphold the original decision made on 3 April 2018.

The information that you have requested is attached. However, an exemption has been applied to part of the information, namely Section 40(2)(b) Freedom of Information Act 2000 (the Act) - Personal Information. Section 40 is an absolute class based exemption which does not require a public interest test but does require the balancing of the legitimate interest of the public against the interests of the individual under the first Data Protection Principle (that of 'fairness'). I have applied this exemption because I consider the information to be personal information of the people concerned. Information disclosed under the Act is considered released to the world and responses are published on our website. 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.

This exemption applies because the right given under the Act to request official information held by public authorities does not apply to the personal data of third parties where disclosure of that information would not be fair to the individual, and where there is no legitimate public interest in disclosure.

In all the circumstances of the case it has been determined that the duty to the individual under the Data Protection Act 2018 / General Data Protection Regulation, and the public interest in maintaining the exemption from disclosure of personal information held by the force in such instances, outweighs the public interest in disclosure. In this instance, personal information can only be disclosed to the individual concerned.

Releasing personal details to a person other than the data subject would not only breach the data subject's Data Protection rights it may also breach the obligations placed on an authority under the European Convention on Human Rights.

Pursuant to Section 17(1) of the Act this letter acts as a refusal notice under the Freedom of Information Act 2000 in relation to part of your request.

In addition, we also have information published on the website for the Police, Fire and Crime Commissioner for North Yorkshire which is relevant to your request and a link is provided below:

<https://www.northyorkshire-pfcc.gov.uk/content/uploads/2018/03/6f---JIAC-20-March---The-Police-and-Crime-Commissioner-for-North-Yorkshire-and-the-Chief-Constable-of-North-Yorkshire-General-Data-Protection-Regulation-GDPR-Governance-FINAL.pdf>

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

Katie Ward
Police Lawyer (Civil Disclosure)
Joint Corporate Legal Services

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