

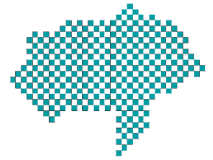
Our Ref: 475.2016-17

Your Ref:

Date: 30<sup>th</sup> December 2016



Police and Crime  
Commissioner  
North Yorkshire



Joint Corporate Legal Services

**By e-mail to: request-353604-479ad2a5@whatdotheyknow.com**

Dear Mr Wilby,

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: 475.2016-17 ICO REFERENCE NO: FS50649738**

I write further to the above Information Request and your recent complaint to the Information Commissioner.

On review of this matter we have determined that your request should have been handled differently. A section 12 (1) excess cost exemption should have been applied to your Question 4, rather than stating that no information was held.

This is because the building blocks to generate the information are held, however although the generating of the information would not necessarily require any complex judgement to produce it, it would be a very time consuming exercise. In order to provide the costing information each and every piece of work would need to be considered for time taken and then cost calculated. The file is large containing around 819 documents and consideration would also need to be given to any additional legal work such as meetings, advice and Court attendance. The time taken to produce the information would therefore exceed the 'appropriate level' as described in more detail below.

As we have now determined that one part of your request falls under Section 12, we are not obliged to review the rest of the questions and the whole request is therefore exempt.

Section 12(1) applies to your request as the cost of complying with your request is above the amount to which we are legally required to respond *i.e.* the cost of identifying and retrieving any relevant information exceeds the 'appropriate level' as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

As outlined above the information is not in an easily retrievable format.

Pursuant to Section 16 of the Act I am required to offer you advice and assistance with regarding to refining your request to within the 'appropriate limit' (time/cost limit). You have already been provided with external costs up until 19<sup>th</sup> August 2016 and I am therefore unable to offer you any assistance in relation to refining the request to allow Question 4 to fall within the appropriate limit. You may of course wish to omit question 4 in its entirety, in which case your request can be reconsidered.

I apologise that this was not identified at the point of the initial response or internal review and for the delay caused as a result of this.

I would be grateful if you could indicate to myself and the Information Commissioner your views on the contents of this letter. I have copied this letter to the Information Commissioner for their information.

I look forward to hearing from you.

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](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