

Our Ref: 1269.2015-16

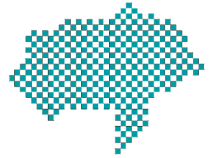
Your Ref:

Date: 12 July 2016

Mr M Price
request-277868-45b8af6c@whatdotheyknow.com



Police and Crime
Commissioner
North Yorkshire



Joint Corporate Legal Services

Dear Mr Price

FREEDOM OF INFORMATION REQUEST NUMBER: 1269.2015-16

I write in connection with your request for information which was received by North Yorkshire Police on 11 March 2016. Please accept our apologies for the delay in providing you with a response. I note you seek access to the following information:

(Re FOI request 299.2015-16)

1. *Ref to Q 2, just to clarify, Chief Constable Dave Jones gave the orders for these officers to be used in this manner - is that correct?*
2. *Ref to Q 3 Could you say what Operation Rome was set up for and what Operation Hyson is for and when they started and finished.*
3. *Who headed Operation Rome and who heads Operation Hyson?*
4. *What was the cost of Operation Rome from the last cost estimate Sept 2014 to when it ended?*
5. *Did it involve any more than the 14 police staff and officers?*
6. *What are the costs of Operation Hyson to date and how many police and staff does that involve?*
7. *Ref to Q 4. Could you tell me what a manual estimate is and involves?*
8. *Could you tell me what date the estimate was made, with written documentation to back this up.*
9. *Ref to Q 5 "What was the incident that first triggered the investigation of the journalists" what occurrences happened in Oct 2010, Sept 2011 and Dec 2011 for public money to be used, that the police are now seeking recompense for from the journalists.*
10. *What rank are all the officers concerned in the £386,347?*
11. *When was the Police and Crime Commissioner first contacted for permission for money to be utilised for a civil action and when did that permission come through? Please supply the written documentation for these occurrences.*

Extent and Result of Searches

To locate the information relevant to your request searches were conducted within North Yorkshire Police.

Decision

I have today decided to disclose the following information to you, subject to any comments below relating to specific questions.

Question 1 - Ref to Q 2, just to clarify, Chief Constable Dave Jones gave the orders for these officers to be used in this manner - is that correct?

There is no recorded information held in relation to any 'specific' orders for these officers being used in this manner.

As explained in the previous response, all operational matters are under the direction and control of the Chief Constable within a force.

Any policing matters that are brought to the attention of North Yorkshire Police are reviewed and where necessary assigned to a lead Officer to conduct further enquires. Additional officers will then be tasked to undertake any relevant work that is required to assist with these enquires, as and when necessary.

Question 2 - Ref to Q 3 Could you say what Operation Rome was set up for and what Operation Hyson is for and when they started and finished.

Operation Rome - I am exempting any operational details pursuant to Section 40 – Personal Information. This is because providing any information over and above the operation name would potentially disclose any individuals involved. Please see the exemption section below for further details.

Operation Hyson is an operation overseen by a Strategic Command group which was set up to assist in the management of civil injunction proceedings. The name began being used in August 2014, with the first meeting taking place on the 3rd October 2014. The Strategic Command group is still meeting as at the date of your request.

Question 3 - Who headed Operation Rome and who heads Operation Hyson?

Operation Rome was headed by the DCC with a Detective Inspector leading the operation, and Operation Hyson is headed by an ACC.

Question 4 - What was the cost of Operation Rome from the last cost estimate Sept 2014 to when it ended?

The only costs recorded are those of £386,347 which have previously been disclosed under FOI. This was the manual estimate done as a one-off exercise for Operation Hyson to assist the decision making process and this exercise has not been repeated since.

Question 5 - Did it involve any more than the 14 police staff and officers?

There is no recorded information held in response to this question.

Question 6 - What are the costs of Operation Hyson to date and how many police and staff does that involve?

Officers and staff are involved in a number of operations at any one time, and the time allocated to each operation is not routinely recorded, therefore I am unable to answer this question.

I can, however, provide the costs of fees for external solicitors and Barristers in respect of Operation Hyson, which as at the date of your request totalled £192,315.43.

Question 7 - *Ref to Q 4 Could you tell me what a manual estimate is and involves?*

The Freedom of Information Act refers to recorded information and there is no recorded information held in relation to this specific question '*what a manual estimate is and involves*'.

However, outside of the Freedom of Information Act, I can explain that the manual estimate referred to for this case involved each department giving an estimate of how much time they had spent dealing with the actions of those involved. These estimates were then used to calculate a total monetary cost.

The manual estimate did not involve any time recording, time-sheets or electronic recording systems.

Question 8 - *Could you tell me what date the estimate was made, with written documentation to back this up.*

The estimated costs were finalised on the 12 January 2015. I am not obliged to provide you with copy documentation, as it is contained within legally privileged communications. Please see the exemption section below for further details.

Question 9 - *Ref to Q 5 "What was the incident that first triggered the investigation of the journalists" what occurrences happened in Oct 2010, Sept 2011 and Dec 2011 for public money to be used, that the police are now seeking recompense for from the journalists.*

North Yorkshire Police have never confirmed nor denied that there has been any investigation into journalists in the manner you describe. To confirm whether any information is held in respect of this question, or to release any information, would be exempt under Section 40 of the FOI Act. Please see the exemption section below for further details.

Question 10 - *What rank are all the officers concerned in the £386,347?*

Please see the breakdown below:

Detective Superintendent	Investigations Manager
Head of Professional Standards	Investigators x 5
Detective Inspector	PSIU Co-ordinator
Detective Constable	IRBO
Detective Constable	Intelligence Analyst

Question 11 - *When was the Police and Crime Commissioner first contacted for permission for money to be utilised for a civil action and when did that permission come through? Please supply the written documentation for these occurrences.*

There is no recorded information held in respect of this specific question, as support was initially given by way of a verbal conversation. The following decision notice, however, outlines the formal support that was given:

<http://www.northyorkshire-pcc.gov.uk/taking-action/making-decisions/decisions-made/0112015-formal-support-and-explanation-from-the-police-and-crime-commissioner-regarding-the-funding-of-ongoing-civil-litigation-action-to-protect-officers-and-members-of-the-public-against-alleged-p/>

Exemption Explanations

Section 17 of the Act requires the Commissioner, when refusing to confirm or deny that information is held, 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. This letter acts as such a notice. The exemptions are explained below.

Section 40 (2) and (5) – Personal Information

I am exempting the information you have requested in Questions 2 & 9 pursuant to Section 40(2) of the Freedom of Information Act 2000 (the Act).

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.

The information you are requesting would be the personal data of third parties and it would not be fair or lawful in accordance with the Data Protection Act (DPA) to release information of this type in response to a Freedom of Information request. This would be a disclosure to the world, of private information relating to third parties and would breach the principles of the DPA. This exemption is absolute and I am not required to evidence the harm or consider the public interest when applying this exemption.

Additionally, North Yorkshire Police can neither confirm nor deny that it holds any of the information you have requested in question 9. This is explained further below, but to either confirm or deny whether the information is held would in itself disclose personal information about a named individual or individuals, and therefore North Yorkshire Police is not obliged to fulfil its duty under Section 1 (a) of the Act pursuant to Section 40(5)(a) of the Act.

S42 - Legal Professional Privilege

I am exempting the information you have requested in question 8 pursuant to Section 42 of the Freedom of Information Act 2000 (the Act), as it information subject to legal professional privilege. Section 42 is a qualified class-based exemption, which means that consideration must be given to the public interest in disclosure or non-disclosure of the information, but there is no requirement to demonstrate any harm that may occur in the event of the information being disclosed.

Public Interest Considerations – Section 42

Factors favouring Disclosure

This is a situation concerning the expenditure of public funds in respect of a civil claim, and so there is a clear public interest in ensuring that any such action is lawful.

Factors favouring non-Disclosure

The principle of legal professional privilege is enshrined in history and must be respected. The information concerned is the legal advice of the Force Solicitor to the Chief Constable and Commissioner. To disclose such advice would waive legal professional privilege and risk undermining the relationship between Solicitor and client.

Disclosure may risk an adverse impact on future advice given by the Force Solicitor to the Chief Constable and Commissioner.

There are existing mechanisms in place for scrutinising and holding the Chief Constable and Police and Crime Commissioner to account for their actions.

Balancing Test

The principle of legal professional privilege is fundamental and although there is a public interest in ensuring the basis of any action by a public authority is lawful, in this case the factors favouring non-disclosure outweigh those favouring disclosure.

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)

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

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