

Corporate Information Management Department

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Office hours 0800-1700

27 February 2014

Private

Our Reference 1113/13

Mr David Orr

request-184925-52e484e6@whatdotheyknow.com

I write in response to your communication dated 29th January 2014 in relation to your Appeal under the Freedom of Information Act (the Act).

My understanding is that your request 992/13 was responded to on the 12th December 2013. This response generated a number of clarification questions which amounted to a new request 1113/2013. This in turn was responded to on 29th January 2014.

You then made a request for an internal review of your application on January 29th 2014 and in particular requested the supply of a 'minimally and appropriately redacted copy of the SAP UK report'.

On the 26th February 2014 you asked "For the Internal Review, can you please add the query as to why a law enforcement exemption is being considered when SAP is considered low risk?"

The internal review is limited to the request for the disclosure of the SAP UK report and the very recent additional query in relation to the use of a law enforcement exemption.

I have considered your request for a redacted copy of the SAP UK report and I am satisfied that the response from the Constabulary met the requirements of the Act. All three exemptions are engaged, namely: Section 41 (1) (b) Information Provided in Confidence; Section 43 (2) Commercial Interests; and Section 31(1) (a) Law Enforcement, as set out by the Freedom of Information Officer.

Although the Constabulary holds a copy of the report requested, it does not own it. As the holder of the information the final decision in relation to disclosure of the information rests with the Constabulary. It is quite clear that it was provided in confidence and disclosure of any part of it would be an actionable breach of confidence, hence the engagement of Section 41 (1)(b).

In relation to the use of a law enforcement exemption, this exemption is wide ranging and would include activities which can be regarded as being an aid to the enforcement of criminal law. This would include the security of the Constabulary's technical architecture. Although SAP has been considered a low risk, the exemption is engaged. The decision not to provide a redacted copy follows the use of the Section 41 – Information Provided in Confidence.

If you consider Constabulary has failed to meet its obligations under the Act you have the right to raise the matter with the Information Commissioner who may agree to investigate this matter on your behalf. The Information Commissioner can be contacted at Wycliffe house, Water Lane, Wilmslow, Cheshire, SK9 5AF, Telephone 0303 1231113.

Yours sincerely

Jeff Hines
Information Access Manager