



Ministry of Justice

Ms Cathy Fox

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Freedom of Information Request

Dear Ms Fox

Thank you for your email of 21 October 2016 in which you asked for the following information from the Ministry of Justice (MoJ):

"Now that ex policeman Gordon Anglesea has been found guilty, please send a copy of the Macur review with the redactions made about Gordon Anglesea removed."

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

Under section 31(1) of the FOIA we are not obliged to provide information if its release would be likely to prejudice law enforcement. In this case, we believe that releasing the information would be likely to prejudice the administration of justice in respect of ongoing court proceedings.

In line with the terms of this exemption we have also considered whether it would be in the public interest to provide you with the information, despite the exemption being applicable. We have, however, concluded that the public interest favours withholding the information at this time.

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- Disclosure of this information would be in keeping with the government's commitment to promote accountability and transparency relating to decisions taken by public bodies.

Public interest considerations favouring withholding the information

- It is not in the public interest to disclose information which could prejudice matters before the court, and it is our assessment that the disclosure of the withheld information could prejudice actual or prospective proceedings.
- It is in the wider public interest that matters before the courts are allowed to conclude without external interference caused by disclosure of information under the FOIA which could undermine court proceedings. This includes any appeal proceedings which may be initiated.

We reached the view that, on balance, the public interest is better served by withholding this information under section 31(1) at this time.

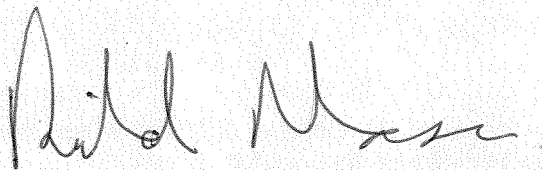
You can find out more about Section 31 by reading the extract from the FOIA and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the FOIA, <http://www.legislation.gov.uk/ukpga/2000/36/section/31> and further guidance

You can also find more information by reading the full text of the FOIA (available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>) and further guidance <http://www.justice.gov.uk/guidance/freedom-of-information.htm>

You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Yours sincerely,



JUDITH BERNSTEIN

Joint Head of the Coroners, Burials, Cremation and Inquiries Policy Team

pp **RICHARD MASON**

Deputy Director for Civil Law and Justice, Administrative Justice, Coroners, Burials, Cremations and Inquiries

EXPLANATION OF FOIA – SECTION 31 - LAW ENFORCEMENT

We have provided below additional information about Section 31 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

(1) Any person making a request for information to a public authority is entitled—

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

Section 31: Law Enforcement

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders,
- (c) the administration of justice,
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
- (e) the operation of the immigration controls,
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
- (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
- (i) any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

(2) The purposes referred to in subsection (1)(g) to (i) are—

- (a) the purpose of ascertaining whether any person has failed to comply with the law,
- (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
- (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any

- profession or other activity which he is, or seeks to become, authorised to carry on,
- (e) the purpose of ascertaining the cause of an accident,
- (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,
- (g) the purpose of protecting the property of charities from loss or misapplication,
- (h) the purpose of recovering the property of charities,
- (i) the purpose of securing the health, safety and welfare of persons at work, and
- (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

Guidance

Section 31 is concerned with protecting a wide range of law enforcement interests and its application turns on whether disclosure would be likely to prejudice those interests.

Some interests that are protected by section 31 are drawn quite widely, for example: the administration of justice, the prevention or detection of crime and the operation of immigration controls. But section 31 also applies where the exercise by any public authority of certain specified functions would be prejudiced by disclosure. Those functions include: ascertaining whether a person is responsible for improper conduct, determining the cause of an accident and ascertaining a person's fitness to carry on a profession.

This section is not restricted to information of any particular description; it turns on consideration of the likely effects of any disclosure. Examples of circumstances in which the prejudicial effects referred to in this part of this exemption are most likely to be relevant could include the following disclosures:

- intelligence about anticipated criminal activities
- information relating to planned police operations, including specific planned operations, and policies and procedures relating to operational activity;
- information relating to the identity and role of police informers
- information relating to police strategies and tactics in seeking to prevent crime
- information whose disclosure would facilitate the commission of any offence; and
- information whose disclosure would prejudice the fair trial of any person against whom proceedings have been or may be instituted.

