



Ministry of Justice

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Our Ref: IR - 109237

17 January 2017

Dear Ms Fox,

Freedom of Information Act 2000 – Internal Review

Thank you for your request dated 15 December 2016 for an internal review of your Freedom of Information request dated 21 October 2016 in which you asked:

“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.”

You asked for an internal review of the original decision in light of Gordon Anglesea's death on 15 December 2016

The purpose of an internal review is to assess how your Freedom of Information (FOI) request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review: I was not involved in the original decision.

Your original request was refused under Section 31(1)(c) of the Freedom of Information Act 2000 (FOIA) as we could not provide information if its content would have been likely to prejudice law enforcement. In this case, any release of information could have prejudiced the administration of justice in respect of ongoing court proceedings.

I have reassessed your case and after careful consideration have concluded that the response that was sent to you complied with the requirements of the FOIA. An explanation of my decision follows.

Having considered your original request, the exemption applied and the public interest considerations made, I am satisfied that the Department was correct to engage section 31(1)(c). At the time of your request it was open to Gordon Anglesea to make a formal appeal against his sentence and I am satisfied that disclosure of the information requested could have had a detrimental impact on the fairness of any appeal proceedings, undermining the administration of justice.

I have considered the public interest arguments applied at the time of your original request and am satisfied that the wider public interest favoured maintaining the exemption on the basis that matters before the courts must proceed free from external interference which might be prompted by disclosure under the FOIA.

Under the internal review process we are only obliged to reconsider the public interest considerations that were made at the time of the original request. We are not obliged to consider factors in the period between the original request and a request for an internal review. As we responded to your original request on 18 November 2016 we cannot take into account Gordon Anglesea's death on 15 December 2016 when dealing with your internal review request. Therefore, I am satisfied that the response you received on 18 November was compliant with the requirements of the FOIA.

You are, of course, welcome to submit a new FOI request in which we will be able to consider new circumstances which may change the balance of public interest.

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
Amrita D.

Amrita Dhaliwal

How to Appeal

Information Commissioner's Office

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF

Internet address: https://www.ico.org.uk/Global/contact_us

