

Our Ref: 1154.2019-20
Your Ref:
Date: 01 April 2020



Dear Applicant,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 1154.2019-20

I write in connection with your request for information which was received by North Yorkshire Police on 30 January 2020. Please accept our apologies for the delay in providing you with a response. I note you seek access to the following information:

As your force is aware, a third appeal to the Criminal Case Review Commission was recently made by those acting on behalf of Robin Garbutt, convicted in April 2011 of the murder of his wife, Diana, on the basis of further new evidence. It has received widespread press coverage, regionally and nationally.

My own journalistic investigations have a familiar starting point and, accordingly, the following disclosure is requested by way of the Freedom of Information Act:

- 1. Operational Codename of the murder investigation (believed to be Nardoo).*
- 2. Gold Commander (believed to be ACC Timothy Madgwick).*
- 3. Senior Investigating Officer (believed to be Supt Lewis Raw).*
- 4. Date and time of first entry on policy log (sometimes called policy book or blue book).*
- 5. Date and time of last entry on policy log (ditto).*
- 6. Total cost of operation (Nardoo) up to and including 31st December, 2019.*
- 7. Date review of initial investigation commenced (if any).*
- 8. Operational codename and name of SIO (if any).*

Extent of Searches to Locate Information

Following receipt of your request searches were conducted within North Yorkshire Police to locate relevant information.

Decision

I am not obliged to provide you with a response to your request pursuant to Section 12(1) of the Freedom of Information Act 2000 (the Act). Please note that when 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.

Jane Wintermeyer BSc (Hons) Force Solicitor & Head of Legal Services
Police Headquarters | Alverton Court | Crosby Road | Northallerton | North Yorkshire | DL6 1BF
DX No 68810 NORTHALLERTON 2 | Telephone 01609 643542 | Fax 01609 789987

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.

Due to the nature of our recording systems the information requested, if held, is not in an easily retrievable format.

The costs associated with this matter up until 31 December 2019 are not centrally recorded. The matter has involved a number of different persons within the organisation from varying departments. To determine any cost we would be required to identify who has been involved in the matter, review their duty diaries, records and emails to identify the hours worked at an individual level, before submission to the finance team to establish costs due to varying hourly rates. This process would be lengthy, taking a time far exceeding the appropriate limit as stated within the freedom of information regulations.

Pursuant to Section 17(5) of the Freedom of Information Act this letter acts as a Refusal Notice.

Pursuant to Section 16 of the Act I am required to offer you advice and assistance with regards to refining your request to within the 'appropriate limit' (time/cost limit). You may wish to limit question 6 to only include any costs attributed to the operational cost code that may have been created at the time of the initial investigation, please note however that this would only relate to costs recorded up until the cost code was closed. You may also wish to clarify whether the information for questions 2 and 3 relate to the Gold Commander and Senior Investigating Officer (SIO) at the material time of the original investigation, or a request for the current Gold Commander and SIO. If you wish to discuss this please do not hesitate to contact me.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Internal Review

I understand you submitted a request for an internal review on 02 March 2020, on the basis that disclosure was not made within the statutory time limit. Please again accept my apologies for this delay, I trust that this response now satisfies your request for the internal review. Please re-contact the civil disclosure unit if you wish for a review of the decision made within this letter.

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

Robert Bates
Legal Officer (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 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 that North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge a complaint with 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
Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

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 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 <https://ico.org.uk>. Alternatively, phone: 0303 123 1113 or write to:

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