



Edward Williams
request-529341-cba98c43@whatdotheyknow.com

Our Ref: IR1211.2018-19
Your Ref:
Date: 21 March 2019

Civil Disclosure
Joint Corporate Legal Services

Dear Mr Williams,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: IR1211.2018-19

I write in connection with your request for an internal review which was received by North Yorkshire Police on 22 February 2019 as follows:

Pls conduct the IR as requested.

Decision

According to APP guidance, *'the internal review stage is an opportunity to consider a request completely afresh. It should be an independent review of the original decision.'*

I have therefore decided to provide an independent response to the original request, which was as follows:

Relating to Operation Hyson:

- 1. How much the police recovered in costs from the other parties?*
- 2. How much police paid for other parties costs?*
- 3. All communications between the police and the PCC regarding the cost.*
- 4. How much police recovered from insurers for costs.*
- 5. All data held (such as reports, letters etc.) as to who approved of the (enormous) spending.*

I note that the original decision maker decided to exempt a response to your request under Section 14(1) Freedom of Information Act 2000 ('the Act') – Vexatious due to it being an inappropriate use of

a formal procedure and that the response to your previous Freedom of Information request contained a vexatious warning.

Section 14(1) of the Act was designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

Having considered your request I first note that this is a partially repeated request and other requests relating to this subject matter have already received a Section 14 exemption.

In addition, it should be made clear that this request in isolation is not necessarily a vexatious one but as a frequent series of requests have been submitted in connection with this subject matter, this request is therefore contributing to the strain and burden placed on the authority by these requests which potentially warrants its vexatious status.

This subject matter has already been addressed by North Yorkshire Police and several responses have been published on the website for the Police, Fire and Crime Commissioner for North Yorkshire. This request seems to be an attempt to reopen this issue and is therefore a matter of frequent request and one of unreasonable persistence. The original decision maker also quoted 'campaign against the authority' as a reason for making this request vexatious. It is noted that several individuals have submitted requests in relation to this particular subject matter and this justifies the use of this particular reason which I submit has been applied correctly.

I also note that part of your request asks for all data held and copies of all communication. This by the nature of it places a burden on the authority as to answer it in full would cause a significant strain on time and resources.

Therefore, considering the above and the indicators highlighted in the original response, I believe that the Section 14(1) exemption has been applied correctly and I uphold the original decision made on 21 February 2019.

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.

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

Katie Ward
Police Lawyer (Civil Disclosure)
Joint Corporate Legal Services

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
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