



Our Ref: 692.2020-21
Date: 09 March 2021

Civil Disclosure
Joint Corporate Legal Services

Dear Applicant,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 692.2020-21

I write in connection with your request for information which was received by North Yorkshire Police on 01 December 2020. Please accept our apologies for the delay in providing you with a response. I note you seek access to the following information:

In October, 2020 I wrote and published this article:

<https://neilwilby.com/category/north-yorks-police/>

Within it is referenced an incident involving offensive posting on a newspaper website by a NYP Force Control Room operative.

Please disclose the following by way of the Freedom of Information Act:

- 1. Was the operative served with a Police Regulations notice?*
- 2. If so, what were the Standards of Professional Behaviour allegedly breached?*
- 3. If so, in what form did the disposal of such proceedings take?*
- 4. Was the subject operative an authorised contributor to NYP social media account output (i) at the material time (ii) currently?*

Decision

Q1-4. Your request for information has now been considered and I can neither confirm nor deny that any information is held, under Section 40(5)(b) – Personal Information.

Disclosure under the Freedom of Information Act 2000 (the Act) is to the world, therefore Section 40(5)(b) applies as to either confirm or deny that any information is held would disclose that individuals had, or had not, been subjected to such notices, which itself is personal information and therefore exempt under Section 40(5) of the Act.

North Yorkshire Police has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming or denying whether or not information is held.

Pursuant to Section 17(4) of the Act this letter also acts as a refusal notice in relation to the duty to confirm or deny.

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.

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

Caroline Williams
Legal Officer (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 request that North Yorkshire Police 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 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 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