



Mr W Leighton
By E-mail to
request-533305-1817766d@whatdotheyknow.com

Our Ref: IR956.2018-19
Your Ref:
Date: 1 March 2019

Civil Disclosure
Joint Corporate Legal Services

Dear Mr Leighton,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: IR956.2018-19

I write in connection with your request for an internal review which was received by North Yorkshire Police on 26 December 2018 as follows:

I am writing to request an internal review of North Yorkshire Police's handling of my FOI request 'Scheme of Delegation document'.

If you hold the information, you are obliged to provide me it.

Furthermore you are obliged to publish it pursuant to s.19 FOIA

You are further obliged to publish it pursuant to para. 13.25 IPCC Statutory Guidance. For the avoidance of doubt, "transparency" is not optional, it is obligatory pursuant to the Code of Ethics policing principles issued under the Police Act.

This is a statutory obligation and not a "good practice" discretion like you held in the last Request for this document. This has been confirmed as a statutory obligation by the First Tier Tribunal in the case of Wayne Leighton v Information Commissioner.

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:

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

Non-emergency
Number



1) In June I made a request for the Scheme of Delegation, It was held at that date of y request the document was not held.

2) I request now, six months later to know as of today's date if the document is still not held. If it is now held, please supply me with a copy of it.

I have considered your original response and the comments presented in your internal review request e-mail. At the time of your original request, the Scheme of Delegation did exist within North Yorkshire Police but had not yet been published and there was an intention to do so at a later date.

Section 22 of the Freedom of the Information Act 2000 states that information is exempt information under the Act if information is held by the public authority with a view to its publication at some future date. We were therefore not obligated to provide the information to you at that particular time.

Furthermore, Section 19 of the Freedom of Information Act 2000 relates to Publication Schemes which is not relevant to this request.

In light of this, and in addition to the evidence of harm and public interest test provided in the original response, I therefore uphold the original decision made on 19 December 2018.

However, due to the delay in me responding to your request for an internal review, of which I sincerely apologise, the Scheme of Delegation is now a published document.

However, even if I reviewed your original request as at the date of this internal review my decision would be to exempt a response to your request pursuant to Section 21 Freedom of Information Act 2000 Information Accessible to applicant by other means. The Scheme of Delegation is published on the North Yorkshire Police Website and a link is provided below.

<https://northyorkshire.police.uk/contact/complain-to-us/>

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

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