



Our Ref: 893.2017-18

Your Ref:

Date: 14 December 2017

Civil Disclosure
Joint Corporate Legal Services

Gwen Swinburn
request-446851-848abf95@whatdotheyknow.com

Dear Gwen,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 893.2017-18

I write in connection with your request for information which was received by the Office of the Police and Crime Commissioner on 16 November 2017. I note you seek access to the following information:

- 1. At the PCP meeting your staff said that the survey companies developed surveys, and also designed background materials. Please link to these, including the briefing/background documents for the survey staff. Please link to the survey instruments, and each briefing note for the researchers.*
- 2. At the same meeting you refused to respond to my, and others, requests, on how much staff time was spent in your lobbying effort to take over the fire brigade.*

Extent and Result of Searches to Locate Information

To locate the information relevant to your request searches were conducted within North Yorkshire Police. I can confirm that the information you have requested is held, in part, by the Office of the Police and Crime Commissioner.

Decision

I have today decided to disclose the located information to you.

1. Please see attached documents as follows:

- North Yorkshire PCC Consultation (Online) – Questionnaire document (Redacted)
- North Yorkshire PCC Consultation Paper Version – Questionnaire document (Redacted)
- Showcards (9 pages)
- FAQs for interviewers

I have decided to redact third party names in the documents marked 'Redacted' and will explain the reason for this later in the response.

2. There is no information held by the Office of the Police and Crime Commissioner (OPCC) in relation to a lobbying effort. In addition, time is not recorded for the OPCC's staff members, therefore I am unfortunately unable to give you a breakdown of time spent on consultations for joint governance of North Yorkshire Police and North Yorkshire Fire and Rescue Service.

Explanation of Exemption

I am required by law to identify the relevant parts (the exemptions) of the Freedom of Information Act 2000 (the Act) that I have considered when reaching this decision, and I must also explain why these exemptions apply.

Section 40 – Personal Information

The specific information you have requested is exempt by virtue of Section 40(2) of the Freedom of Information Act 2000 (the Act) because I consider it to be personal information to the people concerned. Information disclosed under the Act is considered released to the world and responses are published on our website.

Section 40(2)(b) is an absolute class based exemption, which does not require a public interest test, but requires the balancing of the legitimate interests of the public against the interests of the individual under the first Data Protection Principle (that of 'fairness'.) Where an individual can be identified by such data, releasing it would clearly breach the first data protection principle of being 'fair' to the data subject.

This exemption applies because the right given under the Act to request official information held by public authorities does not apply to the personal data of third parties where disclosure of that information would not be fair to the individual, and where there is no legitimate public interest in disclosure.

In all the circumstances of the case it has been determined that the duty to the individual under the Data Protection Act 1998, and the public interest in maintaining the exemption from disclosure of personal information held by the force in such instances, outweighs the public interest in disclosure. In this instance, personal information can only be disclosed to the individual concerned.

Releasing personal details to a person other than the data subject would not only breach the data subject's Data Protection rights it may also breach the obligations placed on an authority under the European Convention on Human Rights.

Pursuant to Section 17(1) of the Act this letter acts as a Refusal Notice in response to part of your request.

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

Liz Fryar
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 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