

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 4 October 2012

Public Authority: Crown Prosecution Service
Address: Rose Court
2 Southwark Bridge
London
SE1 9HS

Decision (including any steps ordered)

1. The complainant requested information held by the Crown Prosecution Service (the CPS) relating to an incident in which he was a victim of a serious crime. The CPS refused to confirm or deny what information it held in reliance on the exemptions at sections 23(1), 24(2), 30(3), 40(5)(a) and refused to disclose certain personal information under section 40(2) of the FOIA. The Commissioner's decision is that the CPS was entitled to rely on these exemptions, and the Commissioner does not require the CPS to take any further action in this case.

Request and response

2. The complainant was the victim of a shooting in 1999. The incident was treated as attempted murder and investigated by the local police force, but to date no individual has been charged in connection with the incident.
3. On 14 January 2011, the complainant made an information request to the CPS. The request comprised 14 questions concerning the nature of the information held by the CPS, the involvement of the Director of Public Prosecutions (the DPP) and communication with other public authorities. The request is reproduced in full at annex 1 at the end of this Notice.
4. The CPS responded on 14 February 2011. It stated that the requested information was exempt under sections 30(1)(c), 30(2), 40(1) and 40(2) of the Act. The CPS subsequently advised the complainant how to

make a subject access request under the Data Protection Act 1998 (the DPA) in respect of his own personal information.

5. The complainant requested an internal review on 18 February 2011. Following the internal review the CPS wrote to the complainant on 23 November 2011. The CPS concluded that the request was properly refused under the exemptions cited, and reminded the complainant of his right to access his own personal information under the DPA.

Scope of the case

6. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant did not accept that any of the exemptions had been properly applied, and argued that all of the requested information ought to have been disclosed to him.
7. Given the background to the request, the Commissioner has first considered whether any of the requested information is (or would be, if it were held) the personal data of the complainant. He has then gone on to consider whether the remainder of the information has been properly withheld.
8. During the course of the Commissioner's investigation the CPS clarified that in fact it was refusing to confirm or deny what information was held in reliance on the exemptions cited. The Commissioner accepts this because, although the CPS had advised the complainant that it held a file in relation to the shooting, it had not confirmed whether it held the specific information requested. The CPS also advised that it now wished to rely on the exemptions at section 23(5) and 24(2) in order to neither confirm nor deny whether it held certain information. Owing to the nature of the requested information, the Commissioner considered it appropriate to accept this late reliance on additional exemptions.

Reasons for decision

Section 40(5)(a) – personal data of the requester

9. Section 40(5)(a) of the FOIA provides that a public authority is not required to confirm or deny whether it holds information which, if held, would be the personal data of the requester. This is because the DPA provides a right of access to information by relevant individuals, while the FOIA provides for disclosure of information into the public domain.

10. The Commissioner considers that some of the requested information (to the extent that it is held) is likely to be the complainant's personal information. This is because the subject of the information held by the CPS is the attempted murder of the complainant. Therefore the Commissioner is satisfied that the CPS has correctly applied the exemption at section 40(5)(a). The Commissioner has stressed to the complainant that he would need to pursue this part of this request under the DPA, as advised by the CPS. However the Commissioner may not consider within this notice whether the complainant would be entitled to receive any information under the Subject Access provisions of the DPA.

Section 40(2) – personal data of third parties

11. Section 40(2) of the FOIA states that a public authority is not obliged to disclose information if to do so would:

- constitute a disclosure of personal data, and
- this disclosure would breach any of the data protection principles or section 10 of the Data Protection Act 1998 (the DPA).

12. The complainant in this case requested "full details" of all the public authority staff involved in his case. The CPS provided the complainant with the names and details of the DPP, the Head of the Counter Terrorism Division and the responsible lawyer. The CPS advised the complainant that section 40(2) was engaged in relation to names and contact details of individuals falling within the following categories:

- Witnesses
- Suspects
- Police officers
- CPS staff
- Home Office staff
- Northern Ireland Office (NIO) staff
- Security service personnel

13. As explained above the Commissioner notes that the CPS did not explicitly refuse to confirm or deny whether it held the information referred to above. Rather, the CPS only advised the complainant that it held information which fell into the groups listed. Given that the CPS had already confirmed that it held a file broadly relevant to the request the Commissioner considers that it would be difficult to refuse to confirm or deny that details of various groups of individuals may be held. For example, it is obvious that the CPS would hold details of its own staff who were involved in the case. Therefore the Commissioner accepts the CPS's argument that it holds information which falls to be considered under the exemption at section 40(2) of the FOIA.

Would disclosure of the requested information constitute a disclosure of personal data?

14. The DPA defines personal information as:

"...data which relate to a living individual who can be identified

a) from those data, or

b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the of the data controller or any person in respect of the individual."

15. The Commissioner is satisfied that the information in question is (or would be, to the extent that it is held) personal data. This is because living individuals falling under the categories specified above will be identifiable by the CPS (the data controller in this instance). Information relating to any individuals suspected of an offence (in this case in relation to the attempted murder) will also be sensitive personal data under section 2(g) of the DPA.

Would disclosure of the requested information breach any of the data protection principles?

16. The CPS has argued that disclosure of any personal information or sensitive personal information would breach the first data protection principle in that disclosure would be unfair and unlawful.

The first data protection principle

17. The first data protection principle has two main components. They are:

- the requirement to process all personal data fairly and lawfully; and
- the requirement to satisfy at least one DPA schedule 2 condition for the processing of all personal data.

18. Both requirements must be satisfied to ensure compliance with the first data protection principle. If even one requirement cannot be satisfied, processing will not be in accordance with the first data protection principle.

19. The Commissioner's general approach to cases involving personal data is to consider the fairness element first. If the Commissioner finds that disclosure would be fair he will then move on to consider the other elements of the first data protection principle.

20. In assessing fairness, the Commissioner has considered the reasonable expectations of the individuals concerned, the nature of those expectations and the consequences of disclosure to the individuals. He has then balanced these against the general principles of accountability, transparency and legitimate public interest in disclosure.

Witnesses

21. This category of information would include individuals who provided witness statements to the police in relation to the attempted murder. The Commissioner is of the view that these individuals would clearly have expected that information they provided would be used only for the police investigation and possible prosecution. Witnesses would not expect their information to be disclosed into the public domain outside of criminal proceedings.
22. The Commissioner has also considered the consequences of disclosure to witnesses. Given that they have a reasonable expectation of confidentiality, the Commissioner accepts that disclosure of their personal information may result in those individuals withdrawing statements or being deterred from providing further information or giving evidence in a trial. The Commissioner also accepts the CPS's argument that disclosure of witness information:

"could also discourage other witnesses to come forward and give evidence in this case or any future case. This would have an impact on the administration of justice."

23. The Commissioner does not consider that the principles of accountability and transparency would be served by disclosure of information relating to witnesses. In fact he is of the strong view that disclosure of this information would have a detrimental impact on witnesses, as well as deterring other individuals from engaging with the criminal justice system. Therefore the Commissioner finds that the disclosure of information relating to witnesses would be unfair and would therefore breach the first data protection principle.

Suspects

24. As noted above, information relating to any individual suspected of committing an offence would be considered sensitive personal data under the DPA. *As such, by its very nature, this has been deemed to be information that individuals regard as the most private information about themselves. Further, as disclosure of this type of information outside of criminal proceedings would be likely to have a detrimental or distressing effect on the data subject, the Commissioner considers that it would be unfair to disclose the requested information.*

Staff of the various public authorities

25. This category of information includes the names, job titles and contact details of "*staff in the police, the CPS, the Home Office, the Northern Ireland Office and the security services*". For ease of reference the Commissioner has considered these as a single category of public authority staff, although he notes that any information relating to the security services (including staff details) falls to be considered under section 23 and has been discussed separately below.
26. The Commissioner has produced guidance to assist public authorities when considering requests for personal information of their employees¹. The Commissioner's guidance states that the seniority of the individual acting in a public or official capacity should be taken into account when personal data about that person is being considered for disclosure under the FOIA. This is because the more senior a member of staff is, the more likely it is that they will be responsible for making influential policy decisions and/or decisions relating to the expenditure of public funds. The Commissioner is generally of the view that senior staff are more likely to be exposed to greater levels of scrutiny and accountability, and there should therefore be a greater expectation that some personal data may need to be disclosed in order to meet that need.
27. The CPS withheld the details of public authority staff on the grounds that disclosure would be unfair to those individuals. The CPS also advised that it was unable to identify a schedule 2 condition for processing as required by the first data protection principle.
28. The CPS confirmed that it had disclosed to the complainant the names and contact details of the DPP, the Head of the Counter Terrorism Division, and the responsible lawyer, as those accountable for the decision making in the complainant's case. The responsible lawyer was appointed as a single point of contact for the complainant's enquiries.
29. The CPS confirmed that it had not disclosed details of any other individuals. The CPS also advised the Commissioner that it had consulted with the public authorities in question, although it did not

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http://ico.gov.uk/for_organisations/guidance_index/~/_media/documents/library/Environmental_info_reg/Practical_application/section_40_requests_for_personal_data_about_employees.ashx

appear to have consulted with the individuals themselves. The CPS confirmed that some of the names of public authority staff were in the public domain, but none specifically in relation to this case. The CPS was of the view that these individuals had not been responsible for making substantive decisions with regard to the complainant, and should therefore not be made publicly accountable. The CPS argued that the individuals would not expect their names to be publicly linked with this case, and that to disclose this information could expose them to unwelcome and distracting attention in their work.

30. The Commissioner is satisfied that the individuals had no expectation that their names would be disclosed into the public domain as being involved in this case. The Commissioner also accepts that, if the withheld names were to be disclosed into the public domain, the individuals concerned may wrongly be identified as accountable or responsible for decisions made in which they had little or no influence.
31. The Commissioner recognises that the legitimate interests of the public must be weighed against any unwarranted prejudice to the rights and freedoms or legitimate interests of the data subject in considering how the factors balance. The Commissioner appreciates that the complainant, as the victim of a serious crime, has a legitimate interest in being informed as to the CPS's handling of the case. However the Commissioner is mindful that the complainant has been given a named point of contact who is responsible for dealing with his enquiries. In any event the complainant's private interest cannot be equated with the more general interests of the public. The Commissioner accepts the CPS's argument that it has been unable to identify a strong reason why there would be a legitimate public interest in the disclosure of information relating to public authority staff.
32. The Commissioner has considered the CPS's arguments in relation to the possible consequences of disclosure on the individuals concerned. The Commissioner notes that this is a serious and sensitive case, and that the investigation is still live, with no prosecutions having been brought at the time this decision notice was issued. Therefore the Commissioner accepts that staff would be concerned about being publicly linked with a case which has not yet come before the courts. The Commissioner has however seen no information to suggest that any individual would be at personal risk of harm should their contact details be disclosed.
33. In light of the above the Commissioner accepts that disclosure of public authority staff names and contact details would be unfair. The individuals in question would have no expectation that their information would be disclosed at this time, and disclosure could lead to those individuals being distracted or diverted from their duties. It would also

risk the public wrongly attributing disproportionate responsibility to the individuals. As the Commissioner has decided that disclosure would be unfair, section 40(2) is engaged in relation to the withheld names. The Commissioner is therefore not required to consider the other elements of the first data protection principle.

Section 30 – investigations and proceedings conducted by public authorities

34. At the internal review stage, the CPS confirmed to the complainant that it held an “open file” on the attempted murder. However the CPS argued that the material it held should not be disclosed as:

“This is an ongoing investigation and disclosure would severely affect the possibility of conducting an effective prosecution should sufficient evidence become available to do so”.

35. The CPS subsequently advised the Commissioner that it sought to rely on section 30(3) to neither confirm nor deny whether it held information specifically relevant to parts 5 - 13 of the request (to the extent that, if it were held, it would not be the personal data of the complainant).
36. Section 30(3) provides an exemption from the duty to confirm or deny in relation to any information, whether held or not, that falls within any of the classes specified in sections 30(1) or 30(2). In this case the CPS cited section 30(1)(c) and section 30(2)(b).
37. Section 30(1)(c) applies to information which has been held at any time (or would be, if it were held) by the public authority for the purposes of any criminal proceedings which the public authority has power to conduct. Section 30(2)(b) relates to information which falls under section 30(1), and which relates to the obtaining of information from confidential sources.
38. Information can fall under section 30(1)(c) if it relates (or would relate) to ongoing, completed or withdrawn criminal proceedings. However the information must relate to specific proceedings, not proceedings in general. The CPS explained to the Commissioner that the requested information would, if it were held, relate to a specific investigation on which the CPS had provided advice to the relevant police force, namely the attempted murder. However, at the time of issuing this decision notice no charges had been brought against any individual.
39. The Commissioner has considered the interpretation of section 30(1)(c), and is mindful that the exemption applies to information that has *at any time* been held by the authority for the purposes of criminal proceedings. The Commissioner is of the view that this can be interpreted to mean information held for the purpose of *potential*

criminal proceedings. The Commissioner believes that the exemption is designed to protect information held by prosecuting authorities in specific cases, and it would not make sense to conclude that information was not exempt simply because no proceedings had yet commenced.

40. Section 30(1)(c) is a class-based exemption. This means that it is not necessary to identify any prejudice that may arise as a result of disclosure in order to engage the exemption. All that is required is for the information to fall under the class in question. In this case the Commissioner is satisfied that the information was held for the purpose of criminal proceedings which the CPS has power to conduct. For the reasons set out above, the Commissioner is satisfied that the requested information falls within the scope of the exemption at section 30(3) by virtue of section 30(1)(c) of the FOIA.

Public interest test

41. Section 30(3) provides a qualified exemption and is therefore subject to the public interest test under section 2(2)(b) of the Act. Section 2(2)(b) provides that such an exemption can only be maintained where:

"in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure of the information".

42. In considering where the public interest lies in this exemption, the Commissioner is guided by the Information Tribunal in the case of *Toms v Information Commissioner & Royal Mail*² where it stated that:

"..In striking the balance of interest, regard should be had, inter alia to such matters as the stage or stages reached in any particular investigation or criminal proceedings, whether and to what extent the information has already been released into the public domain, and the significance or sensitivity of the information requested".

Public interest arguments in favour of confirming or denying what information is held

43. The CPS identified the following arguments in favour of confirming or denying that relevant information is held:

² EA/2005/0027 para 8

- To increase public understanding of the CPS decision making in this case; and
 - Transparency may increase public confidence in the CPS.
44. The Commissioner notes that the police investigation is still continuing as no-one has ever been charged with any offence arising out of the attempted murder. The Commissioner recognises that if information was released into the public domain it could encourage anyone with relevant information to come forward and provide information to the police. This could help to identify those responsible and increase the possibility of a successful prosecution.
45. The complainant argued that, as the victim of the attempted murder, he should be provided with all relevant information as to why no charges had been brought. The complainant alleged that the incident had not been investigated properly, and accused the CPS of a "cover up".

Public interest arguments in favour of maintaining the refusal to confirm or deny what information is held

46. The CPS argued that there was a strong public interest in safeguarding the independence of the prosecution process, and that confirming or denying what information was held would undermine this independence. The CPS was of the strong view that the Courts should remain the sole forum for determining guilt or innocence. The CPS did not consider that it had weakened this argument by confirming that it held relevant information as it had given no indication as to the precise nature of the information held.
47. The CPS maintained that there was a strong public interest in protecting its ability to bring an effective prosecution in the future, if sufficient evidence became available to do so. Confirmation that certain information was held (or that certain information was not held) could assist the perpetrators of the attempted murder in that it would inform them of the progress of the police investigation and evidence obtained.
48. The CPS also referred to the Information Tribunal's findings in the case of *Digby-Cameron v ICO and Beds Police and Herts Police*³, in which it was recognised that there is a substantial public interest in protecting witnesses and informers to ensure that people are not deterred from making statements or reports for fear that they may be disclosed to the public.

³ Appeal no EA/2008/0023 and 0025

Balance of the public interest arguments

49. The Commissioner understands that the complainant in this case has personal reasons for making his request. Victims of crime are entitled to be kept informed as to the progress of investigations, and there are established procedures to ensure that this happens. However the FOIA is designed to allow for disclosure of official information into the public domain, regardless of the identity or motives of the requester. The Commissioner is thus unable to attach significant weight to the complainant's arguments in favour of disclosure. The Commissioner would comment though that he has seen no evidence of wrongdoing by the CPS in this case (which may otherwise increase the weight attached to the public interest in disclosure).
50. Where investigations are still continuing the Commissioner considers that there will generally be a strong public interest in maintaining the exemption. The Commissioner recognises that it is in the public interest to safeguard the investigatory and prosecution processes, and the right of access should not undermine the investigation and prosecution of criminal matters. Nor should it dissuade individuals from coming forward to provide relevant information.
51. The Commissioner is mindful of the potential to identify new lines of enquiry, and the possibility that new evidence and suspects could be identified. The Commissioner is of the view that this in itself does not mean that information relating to an investigation should never be released. However, the Commissioner is of the view that the public interest in avoiding prejudice or harm to the prosecution process would carry considerable weight in favour of maintenance of the exemption.
52. For the reasons set out above the Commissioner considers that the arguments in favour of maintaining the refusal to confirm or deny specifically what information is held clearly outweigh the arguments in favour of confirming or denying. Therefore the Commissioner finds that the CPS was entitled to rely on the exemption at section 30(3) by virtue of section 30(1)(c) of the FOIA. The Commissioner does not consider it necessary to repeat this analysis in relation to subsection 30(2) of the FOIA.

Section 23: Information provided by or relating to security bodies

Section 24: National Security

53. During the course of the Commissioner's investigation the CPS advised that it wished to rely on the exemptions at section 23(5) and 24(2) in order to neither confirm nor deny whether it held certain information.

54. Firstly, the CPS refused to confirm or deny whether it held the information requested at part 14 of the request in reliance on section 23(5) of the FOIA. Section 23(5) provides that:

"The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3)".

55. Part 14 of the request was for information relating to any contact between the CPS and the Security Service. The Security Service is one of the bodies listed at section 23(3), so the exclusion from the duty to confirm or deny at section 23(5) is clearly engaged, whether or not any information is in fact held.

56. With regard to parts 1-2 and 10-13 of the request the CPS cited sections 23(5) and 24(2) to neither confirm nor deny that relevant information was held. The Commissioner has already found that the CPS was entitled to neither confirm nor deny whether it held information relevant to parts 10-13 of the request by virtue of section 30(3) of the FOIA. Therefore the Commissioner is only required to decide whether sections 23(5) and 24(2) are engaged in relation to parts 1-2 of the request.

57. Parts 1-2 of the complainant's request were for any information held by the CPS, or by the Director of Public Prosecutions, relating to any involvement in the attempted murder by the IRA.

58. Section 24(2) provides that:

"The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security".

59. The Commissioner recognises that in some circumstances it will be appropriate for a public authority to rely on sections 23(5) and 24(2) without stating which of the two exemptions actually applies. In relation to requests touching on issues of national security they can be claimed jointly in order to obscure the involvement or otherwise of one of the designated security bodies.

60. The Commissioner must be careful not to provide any indication as to whether or not relevant information is held by the CPS. However, the Commissioner accepts that, if the CPS did hold information relating to the possible involvement of the IRA, it would have been likely to relate to one or more of the security bodies listed at section 23(3) of the FOIA, or to issues of national security.

61. "National security" is not defined in the FOIA, but in the Commissioner's view it would include the security of the United Kingdom and its people. Therefore the Commissioner accepts that the information relating to a terrorist organisation such as the IRA would clearly be relevant to safeguarding national security. Confirming or denying that relevant information was held would inform the public (including terrorists) as to the level of interest taken by the security services, which would assist them in evading detection. The Commissioner finds that refusing to confirm or deny whether this information is held is indeed required for the purposes of safeguarding national security.
62. In light of the above the Commissioner is satisfied that the CPS was entitled to engage the exemptions at sections 23(5) and 24(2) in respect of its refusal to confirm or deny whether the requested information is held.
63. Section 23(5) provides an absolute exclusion, but section 24(2) is qualified. Therefore the Commissioner is required to consider whether, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the CPS held relevant information.

Public interest arguments in favour of confirming or denying that information is held

64. The CPS did not provide any arguments in favour of confirming or denying that information was held. However the Commissioner considers that there is a general, albeit limited, public interest in the public being informed as to the scope of information held on terrorist groups such as the IRA. If the CPS were to confirm or deny that it held information in this case it would inform the public of the likelihood of IRA involvement in the attempted murder.

Public interest arguments in favour of maintaining the refusal to confirm or deny that information is held

65. The Commissioner has consistently found in previous cases that section 24(2) contains an inherently strong public interest argument in favour of maintaining the refusal to confirm or deny, given that the exemption is only engaged if it is required to safeguard national security.
66. The CPS was of the view that it would not be in the public interest to confirm or deny whether it held relevant information, as section 24(2) was clearly engaged and there was no public interest in disregarding this exemption. The CPS maintained that the public interest lay in ensuring no inferences could be drawn as to the information held.

Balance of the public interest

67. The Commissioner recognises that there is a substantial public interest in safeguarding national security. In this case the Commissioner does not consider there to be any public interest argument sufficiently compelling to override the need to protect national security. In addition, the Commissioner is mindful that the investigation into the attempted murder is ongoing and future information may become available. Therefore the Commissioner finds that in this case the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the CPS holds the requested information.

Procedural requirements

68. Section 17(1) of the FOIA states that a public authority wishing to rely on any exemption to refuse a request must issue a valid refusal notice within the statutory time for compliance, i.e. twenty working days. The refusal notice must state the exemption being relied upon by the public authority.

69. In this case the CPS did not explain to the complainant that it was in fact refusing to confirm or deny what information it held which was relevant to the request. In addition, the CPS claimed reliance on sections 23(1) and 24(2) during the course of the Commissioner's investigation, so these exemptions were not included in the refusal notice.

70. Therefore the original refusal notice of 14 February 2011 was technically deficient in that it did not state all the exemptions relied upon. The Commissioner thus finds that the CPS failed to comply with section 17(1) of the FOIA.

Other matters

Internal review

71. Although it does not form part of this Decision Notice the Commissioner has considered the time taken to conduct the internal review. The complainant requested an internal review on 18 February 2011, and the CPS communicated the outcome to him on 23 November 2011. This means that the CPS took 193 working days to complete the internal review, over six months in total.

72. The FOIA does not provide a statutory timescale in relation to internal reviews, but the Code of Practice issued under section 45 of the FOIA provides guidance on this issue. Paragraph 42 of the Code states that:

"42. Authorities should set their own target times for dealing with complaints; these should be reasonable, and subject to regular review."

73. The Commissioner has also produced guidance⁴ setting out his view that internal reviews should take no longer than 20 working days, or in exceptional circumstances, 40 working days.

74. The Commissioner is of the view that prompt internal reviews demonstrate a public authority's commitment to customer service. Delays in concluding an authority's internal complaints procedure can affect the relevance of information released as a result. It also increases the total time taken from the original request being refused, to the start of the Commissioner's investigation of a complaint.

75. Therefore although the Commissioner can not find that the CPS breached any provision of the FOIA in the time taken to complete the internal review he does consider that 193 working days is clearly excessive and unreasonable. The Commissioner expects the CPS to take steps to prevent this level of delay in future cases.

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http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_applications/internal%20reviewsv1.pdf

Right of appeal

76. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals
PO Box 9300
LEICESTER
LE1 8DJ

Tel: 0300 1234504
Fax: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

77. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
78. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Alexander Ganotis
Group Manager – Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex 1

Full text of request made on 14 January 2011

1. Please supply all recorded information held by CPS containing any reference to, or otherwise relating to IRA or terrorist involvement in this case.
2. Please supply all recorded information held by DPP containing any reference to, or otherwise relating to IRA or terrorist involvement in this case.
3. Please give full details of every person who has worked on this case on behalf of the CPS since 17th June 1999.
4. Please give full details of every person who has worked on this case on behalf of the DPP since 17th June 1999.
5. Please supply all detail and information concerning DPP involvement in this case since 17th June 1999.
6. Please supply full details as to why the DPP became involved in this case.
7. Have Northumbria Police at anytime recommended charges against any person(s) involved in this case. If so, please supply all information.
8. Please give full details of all contact, including dates, between Northumbria Police and the CPS concerning this case. Please also supply name(s) of Police officers and CPS officers involved.
9. Please supply all recorded information held by DPP concerning contact between DPP and CPS regarding this case.
10. Please supply all recorded information held by DPP concerning contact between DPP and Northumbria Police regarding this case.
11. Please supply all recorded information held by the DPP, his office concerning all contact between DPP and the Northern Ireland office, including ministers and or Crown Servants regarding this case.
12. Please supply all recorded information held by the DPP, his office concerning all contact between DPP and the Home Office, including the Home Secretary, his/her office and or other Crown servants concerning this case.

13. Please supply all recorded information held by CPS concerning contact between them and the Northern Ireland Office, the Home Office, including Home Secretary, his/her office and or all/any contact between CPS and any other Crown servants concerning this case.

14. Please supply all recorded information held by CPS concerning all contact between them and the Security Service (Mi5), including details of all/any meetings held with them concerning this case.