

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 20th June 2005

Name of Public Authority: Norfolk Constabulary

Address of Public Authority: Force Executive
Norfolk Constabulary
Operations and Communications Centre
Falconers Chase
Wymondham
Norfolk
NR18 0WW

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Information Commissioner (the Commissioner) is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (the Act) and to issue a Decision Notice to both the complainant and the public authority.

Nature of Complaint

The Commissioner has received a complaint from (the “complainant”). The complainant’s complaint concerns a request for information that he made to Norfolk Constabulary on the 7th February 2005 under Section 1 of the Freedom of Information Act 2000 (the Act).

The Complainant requested “the total cost to Norfolk Constabulary of providing security to the former Prime Minister” the Rt. Hon. Mr John Major.

Norfolk Constabulary originally refused to provide the information, relying on the exemptions provided by sections 31 and 38. Section 31 provides an exemption from the duty to disclose information where to do so would prejudice law enforcement. Section 38 provides an exemption in relation to health & safety, where the disclosure would endanger the safety of any individual. Norfolk Constabulary argued that to release the cost of protection would assist terrorists or criminals calculate the number of police officers involved in the protection of Mr Major.

The complainant appealed against this decision which was then reviewed in accordance with the Constabulary’s internal complaints procedure. The original decision was upheld.

It is alleged by the complainant that:

Norfolk Constabulary misapplied the exemptions provided by sections 31 and 38 of the Act and therefore failed to provide the complainant with the information he was entitled to under section 1(1)(b) of the Act.

During the Commissioner's investigation into the complaint the Constabulary considered the matter further and suggested that they may have interpreted the complainant's request too widely. They explained that as the complainant originally requested "the total cost to Norfolk Constabulary of providing security to former Prime Minister, John Major", the request should have been interpreted as relating to those costs that were actually borne by the Constabulary's own budgets. They also stated that the cost of providing protection is met in full by the Home Office. Therefore they now believed a better response would have been to explain to the complainant that the cost to Norfolk Constabulary was nil.

The Commissioner's Decision

The Commissioner is satisfied that a precise interpretation of the complainant's request is that it related to information on the cost to Norfolk Constabulary of providing protection for Mr Major. The Commissioner is also satisfied that the cost of providing security to Mr Major is met by the Home Office and so the cost to Norfolk Constabulary is nil. It follows that Norfolk Constabulary does not hold any recorded information in respect to the cost to itself of providing protection to Mr Major.

In light of this the Commissioner is satisfied that Norfolk Constabulary did not fail to communicate information to the complainant in accordance with section 1(1)(b) of the Act.

Therefore questions relating to the application of the exemptions provided by sections 31 and 38 do not arise.

Action Required

During the course of the investigation the complainant was provided with the explanation that Norfolk Constabulary did not hold the information requested. Therefore the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Norfolk Constabulary.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 20th day of June 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF