

## **Freedom of Information Act 2000 (FOIA)**

### **Decision Notice**

**Date:** 30 January 2013

**Public Authority:** Public Prosecution Service for Northern Ireland  
**Address:** Belfast Chambers  
93 Chichester St  
Belfast  
BT1 3JR

#### **Decision (including any steps ordered)**

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1. The complainant made a number of requests following a decision by the Public Prosecution Service for Northern Ireland (the PPS) that there was insufficient evidence to bring criminal proceedings in relation to a particular incident. The PPS said that it did not hold some information, provided some information, and refused the remainder of the requests under sections 30(1)(c), 38, 40(2), 41 and 42 of the FOIA. The Commissioner does not require the PPS to take any further steps in relation to the requests.

#### **Background**

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2. This case relates to an alleged kidnapping incident in 1991, of which the complainant was the victim. The Police Service of Northern Ireland (the PSNI) investigated and submitted a file to the PPS, who advised the complainant in October 2010 that there was insufficient evidence to prosecute any individual.
3. The complainant was unhappy with this decision and the PPS agreed to carry out a review according to the PPS Code for Prosecutors.
4. Subsequently the complainant made a number of information requests on this issue to the PPS which became the subject of complaints to the Commissioner. The requests were made on the following dates:
  - a. 14 December 2010 (request 1.1)
  - b. 19 January 2011 (request 1.2)
  - c. 4 February 2011 (request 1.3)

- d. 14 February 2011 (request 2.1)
  - e. 18 June 2011 (request 3.1)
  - f. 21 June 2011 (request 3.2)
  - g. 11 July 2011 (request 3.3)
5. This decision notice deals with requests 1.1, 1.2 and 1.3. Request 2.1 is dealt with in decision notice reference FS50426637, and requests 3.1, 3.2 and 3.2 are dealt with in decision notice reference FS50426636.

## **Requests and responses**

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### **Request 1.1**

6. On 14 December 2010 the complainant made a request to the PPS (request 1.1). The request comprised 11 questions relating to how the PPS makes decisions generally, and how it made the decision referred to at paragraph 2 above. The request is reproduced in full at Annex 1 at the end of this notice.
7. The PPS responded to request 1.1 on 17 January 2011 in the following terms:
- i. The PPS provided information in respect of parts 1, 2 and 6 of the request.
  - ii. The PPS said that it did not hold the information requested at parts 4 and 5 of the request.
  - iii. In respect of parts 3, 8 and 9 the PPS cited the exemptions at sections 30, 38, 40, 41 and 42 of the FOIA.
  - iv. In respect of parts 7, 10 and 11 the PPS did not claim reliance on any exemption but said that the requested information would be provided to the complainant as part of the ongoing review under the PPS Code for Prosecutors.
8. The complainant requested an internal review in respect of request 1.1 on 14 February 2011. Despite extensive correspondence between the complainant and the PPS the outcome of the internal review was not communicated to the complainant until 17 April 2012.

### **Request 1.2**

9. On 19 January 2011 the complainant made another request to the PPS (request 1.2). This request comprised four questions relating to the PPS's reliance on the exemption at section 38 in respect of request 1.1,

although the complainant stressed that this was not a request for an internal review. The full text of request 1.2 is set out in Annex 1 at the end of this notice.

10. The PPS responded to request 1.2 on 9 February 2011. The PPS provided some information but advised the complainant that if he was dissatisfied with the response to request 1.1 then he should request an internal review.

### **Request 1.3**

11. On 4 February 2011 the complainant made a further request to the PPS (request 1.3). This request comprised four questions relating to the content and cost of legal advice obtained by the PPS in relation to his case. The full text of request 1.3 is set out in Annex 1 at the end of this notice.
12. The PPS responded to request 1.3 on 8 March 2011. The PPS provided some of the requested information but advised that the remainder was exempt under sections 38 and 40(2) of the FOIA.
13. The complainant requested an internal review in respect of request 1.3 on 8 March 2011. As with request 1.1, the outcome of the internal review was not communicated to the complainant until 17 April 2012.

### **Scope of the case**

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14. The complainant contacted the Commissioner on 1 December 2011 as he had not yet received the outcome of the internal reviews. The complainant was dissatisfied at the lack of response from the PPS, and in any event was of the view that he should have been provided with all the information he requested. The complainant also made various allegations about the PPS generally, which the Commissioner has not considered as they do not relate to the FOIA.
15. Section 50 of the FOIA provides that an applicant may request that the Commissioner make a decision as to whether, in any specified respect, a public authority has dealt with a particular request in accordance with the FOIA. The complainant is thus required to specify his grounds of complaint; the Commissioner is under no obligation to identify potential issues for investigation by trawling through correspondence. In this case the Commissioner has investigated only those parts of the request where it is reasonably clear that the complainant had expressed specific dissatisfaction with the PPS's response.

## **Data protection issues**

16. On considering the correspondence it was apparent to the Commissioner that the complainant's requests should have been considered under the Data Protection Act 1998 (the DPA) as well as under the FOIA. This is because the complainant requested information about an incident of which he was the victim. The Commissioner considered it likely that some of the requested information, if held, would be personal data relating to the complainant. The PPS would have been entitled to refuse to confirm or deny whether it held this information under section 40(5) of the FOIA, but in any event should have considered the requests under the DPA.
17. In light of the above the Commissioner firstly conducted an assessment under section 42 of the DPA into the PPS's compliance with that access regime. This was completed in September 2012, but does not form part of this Decision Notice, because a section 42 assessment is a separate legal process from a section 50 complaint.
18. On completion of the section 42 assessment the Commissioner proceeded to investigate the FOIA element of the complaints: namely, those parts of the complainant's requests which did not relate to the complainant's personal information.

## **FOIA issues**

19. The Commissioner did not investigate the PPS's handling of request 1.2 as he was not provided with any evidence that complainant had requested an internal review in respect of this request. Nor had the complainant made any expression of dissatisfaction with the PPS's response to this particular request, either to the PPS or to the Commissioner. Therefore the Commissioner's decision in this case relates only to requests 1.1 and 1.3.
20. In addition, the complainant did not specify any complaint about the information that was provided to him in response to these requests. Consequently the Commissioner's investigation was limited to the withheld information, and those parts of the requests in respect of which the PPS said that it did not hold the information.
21. With regard to request 1.1, the Commissioner has only investigated the PPS's response to parts 3, 4, 5, 7, 8, 9 and 11 of the request. The Commissioner advised the complainant that he would not be investigating the PPS's response to parts 1, 2, 6 and 10 of the request because he did not identify anything in the correspondence provided which could be interpreted as challenging these parts of the response.

22. In addition, as the time taken to complete an internal review is not a section 50 matter it is dealt with at Other Matters below and does not form part of the Commissioner's decision. It should be stressed that the internal review carried out under the FOIA is separate from the review conducted under the PPS Code for Prosecutors.

## Reasons for decision

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### Request 1.1: Information not held

23. The PPS claimed that it did not hold any information in respect of parts 4 and 5 of request 1.1:

*"4. Please confirm if the PPS have ever received a file from the RUC concerning the case. If so, please supply details.*

*5. Have the RUC ever requested advice from PPS concerning this case."*

24. The RUC is the Royal Ulster Constabulary, which became the PSNI in 2001. The PPS advised the complainant that it had searched its records but that it had found no evidence to suggest that the RUC ever requested advice from the PPS, or its predecessor, the Department for Public Prosecutions.

25. The complainant advised the Commissioner that he had seen a letter dated 21 January 1997 in which the then Chief Constable of the RUC stated that

*"A full investigation was carried out and a report submitted to the DPP [the Director of Public Prosecutions]. On 7 April 1995 the Director issued a direction of 'No Prosecution'."*

26. The Commissioner is satisfied that the PPS conducted an adequate search which led it to conclude that it did not hold this information. Having inspected the information the PPS does hold which is relevant to the request the Commissioner is satisfied that the PPS does not hold any record of having been provided with a file or having been asked for advice by the then RUC about the case referred to at paragraph 2 above, as specified in the complainant's request.

### Request 1.1: Section 30(1)(c) exemption

27. The PPS refused parts 3, 8 and 9 of request 1.1 in reliance on the exemption at section 30(1)(c) of the FOIA. These parts of the request were for information relating to the PPS's decision not to charge any individual as noted at paragraph 2 above.

*"3. Did the PSNI ever recommend that any criminal charges should be brought against any person(s) connected with above case.*

*8. Please supply copies of all documents including emails, letters, phone records, logs, notes between PPS and independent counsel.*

*9. Please supply copies of all documents including emails, letters, phone records, logs, notes between PPS and PSNI."*

28. 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. 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.
29. The PPS confirmed to the Commissioner that the requested information related to a specific investigation on which the PPS had decided that charges should not be brought. As explained above the PPS had advised the complainant of this decision in October 2010.
30. 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 includes information held for the purpose of *potential* criminal proceedings. The exemption is designed to protect information held by prosecuting authorities in specific cases and such information is exempt even though no proceedings have in fact been commenced.
31. In this case part 3 of the request was for information relating to the PSNI's view on possible prosecutions, as provided to the PPS. The Commissioner accepts that the PPS would hold this information for the purposes of criminal proceedings. Parts 8 and 9 of the request were for correspondence between the PPS and independent counsel relating to the alleged kidnapping incident and whether charges should be brought against any individual. Again the Commissioner accepts that this information would be held by the PPS for the purposes of criminal proceedings.
32. 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 PPS 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(1)(c) of the FOIA.

### **Request 1.1: Public interest test**

33. Section 30(1)(c) provides a qualified exemption and is therefore subject to the public interest test under section 2(2)(b) of the FOIA. 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".*

34. 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*<sup>1</sup> 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 disclosure**

35. The PPS identified the following arguments in favour of disclosing the information exempt under section 30(1)(c):

- Disclosure may serve to increase the accountability and transparency of the PPS in the prosecution decision-making process by allowing individuals to understand the reasoning behind decisions made by the PPS which may affect their lives.
- Disclosure may further the interests of justice as it would improve the public's knowledge and understanding of the criminal justice process, thereby encouraging the participation of members of the public in that process.

36. The Commissioner understands that disclosure would inform the public as to the interaction between the PPS and the PSNI, and between the PPS and independent counsel. This may better inform the public as to how the PPS makes prosecutorial decisions.

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<sup>1</sup> EA/2005/0027 para 8

37. The complainant argued that, as the victim of the alleged kidnapping, he should be provided with all relevant information as to why no charges had been brought, and who had been involved in those decisions.

### **Public interest arguments in favour of maintaining the exemption**

38. The PPS argued that there were strong public interest arguments in favour of maintaining the exemption. The PPS argued that, with respect to part 3 of the request, disclosure could adversely affect the working relationship between the PPS and the PSNI. The PPS was of the view that the public interest lay in protecting the ability of the two authorities to exchange information and opinions on cases, so that fully informed decisions could be taken.
39. The PPS pointed out that the information was provided by the PSNI to the PPS solely for the purpose of deciding whether or not charges should be brought. The PSNI expected that information provided to the PPS would not be disclosed into the public domain, as this could harm the PSNI's ability to investigate. The Commissioner is mindful that to date no individual has been charged in relation to the alleged kidnapping, and he attaches significant weight to the public interest in protecting the PSNI investigation.
40. The Commissioner recognises that disclosure of the information could assist the perpetrators of the alleged kidnapping by informing them of the PSNI's views on the case and evidence gathered. This would make it more difficult for the PPS to bring an effective prosecution in the future.
41. The PPS also argued that disclosure of information provided by independent counsel would discourage these individuals from providing their expertise, which the PPS considered necessary in order to make informed and robust decisions. As with the PSNI, counsel expected that information would not be disclosed to the public, and the PPS argued that the disclosure of such opinions and assessments of the case would harm the PPS's ability to bring prosecutions in the case in the future.

### **Request 1.1: Balance of the public interest arguments**

42. The Commissioner understands that the complainant in this case has personal reasons for making his request. He is frustrated that no-one has been charged with any offence arising out of the alleged kidnapping incident which happened over 20 years ago. For this reason the complainant appears to be of the view that he - and the public generally - should be allowed full access to all the information held by the PPS in relation to the case. However the Commissioner has explained to the complainant on a number of occasions that FOIA is designed to allow for disclosure of official information into the public domain, and may not

take account of the identity or motives of the requester. Therefore the Commissioner cannot consider the complainant's argument to carry significant weight in favour of disclosure.

43. The Commissioner acknowledges the complainant's frustration at what he perceives is the lack of progress in bringing those responsible to account. If the withheld information demonstrated any evidence of wrongdoing by the PPS or any other public body it might increase the weight attached to the public interest in disclosure. However, having inspected the information in question the Commissioner is satisfied that it does not contain any such indication.
44. The Commissioner has found in a number of previous decision notices that there will generally be a strong public interest in maintaining the exemption where investigations are still continuing. The Commissioner has recognised 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 other authorities or experts from assisting the PPS in fulfilling its duties.
45. The Commissioner is of the view that the need to protect the prosecutorial process does not itself mean that information which falls under section 30(1)(c) should never be disclosed. However, the Commissioner is of the view that the public interest in avoiding prejudice or harm to the PPS's ability to carry out its duties would carry considerable weight in favour of maintenance of the exemption.
46. For the reasons set out above the Commissioner considers that the arguments in favour of maintaining the exemption at section 30(1)(c) clearly outweigh the arguments in favour of disclosing the information. Therefore the Commissioner finds that the PPS was entitled to rely on the exemption at section 30(1)(c) of the FOIA.
47. As the Commissioner has found that the PPS was entitled to rely on section 30(1)(c) to refuse parts 3, 8 and 9 of request 1.1 it is not necessary for him to consider the other exemptions claimed, namely sections 38, 40, 41 and 42 of the FOIA.

### **Request 1.1: Interpretation of part of request**

48. The complainant was dissatisfied with the PPS's response to part 11 of request 1.1:

*"11. Please explain decision on not charging persons connected to my 1991 kidnapping."*

49. The PPS had responded to this part by advising the complainant that, technically, charging decisions were made by the PSNI. The PPS advised that further information would be provided as part of the review carried out under PPS Code for Prosecutors.
50. The Commissioner accepts that technically, the PPS was correct in advising the complainant that it was not responsible for charging decisions. However, the complainant asked for an explanation of the decision, he did not specify that the decision had been made by the PSNI. Therefore the PPS was obliged to consider whether it held information relating to the decision not to charge any person.
51. The Commissioner notes that the FOIA provides for access to recorded information, and requests for explanation, comment or opinion are not valid requests under the FOIA. If the PPS held recorded information which constituted such an explanation then it would be obliged to consider whether this information could be disclosed in response to the request. However, having inspected the withheld information the Commissioner is satisfied that if any relevant information were held it would fall under part 3 of request 1.1. The Commissioner has already found that information relating to this part of request 1.1 would be exempt under section 30(1).

**Request 1.3: section 40(2)**

52. The PPS provided some information in response to request 1.3, namely the cost of external legal advice received. The PPS confirmed that it sought and received advice from "a single independent Senior Counsel", ie a barrister, and that this advice had cost £1200. However the PPS withheld the name of this individual under sections 38 and 40(2) of the FOIA. Although the complainant challenged the PPS's claim that it did not hold a breakdown of the cost, the Commissioner has had sight of the withheld information and is satisfied that the PPS has provided all the information it holds to the complainant in this regard.
53. The Commissioner notes that parts 7, 8 and 9 of request 1.1 also related to the legal advice received by the PPS. However, the Commissioner is mindful that the PPS provided all the information requested in request 1.3 except for the name of the individual who provided the legal advice. Therefore the Commissioner considers it appropriate to consider whether the name of the senior counsel should have been disclosed. The Commissioner has first examined section 40(2), and if he finds that this is not engaged then he will go on to consider section 38.
54. Section 40(2) of the FOIA states that the personal data of a third party is exempt from disclosure if to do so would contravene any of the data

protection principles or section 10 of the DPA. "Personal data" is defined at section 1(1) of the DPA as data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

55. The Commissioner is satisfied that the name of the senior counsel is that individual's personal information. The Commissioner notes that disclosure of the name in the context of this request would also reveal that the individual in question had provided legal advice to the PPS in relation to the case.

*Would disclosure of the withheld information breach any of the data protection principles?*

56. The PPS argued that disclosure of the withheld name would breach the first and second data protection principles.

### **The first data protection principle**

57. 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.

58. 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. 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.

*Would disclosure of the information be fair?*

59. In assessing fairness, the Commissioner has considered the reasonable expectations of the individual concerned, the nature of those expectations and the consequences of disclosure to the individual. He has then balanced these against the general principles of accountability, transparency and legitimate public interest in disclosure.
60. The PPS advised the Commissioner that it had consulted with the individual in question, who was "strongly opposed" to their name being disclosed into the public domain in this context. Although the individual's name, and the fact that the individual is senior counsel, is in the public domain, the fact that the individual provided advice on this case is not

publicly known. Therefore the PPS argued that the individual would not expect that their name should be publicly linked with this case. The Commissioner notes that the names of prosecuting and defending lawyers are routinely published in court reports and commentaries, but this is not the case with regard to legal advice obtained before a decision is made whether or not to prosecute.

61. In terms of consequences of disclosure, the PPS advised the Commissioner that the individual had expressed concerns about their personal safety should they be identified as having provided advice on the case. The PPS maintained that the security situation in Northern Ireland meant that its own staff were advised to be vigilant, and that this concern should apply equally to individuals who provided services, including legal advice, to the PPS.
62. The PPS argued further that disclosure of the individual's name in this case could result in that individual, or other legal advisers, being less willing to provide legal advice to the PPS.
63. As indicated above the next step is to balance the legitimate interests of the public (as opposed to the private interests of the complainant) against any unwarranted prejudice to the rights and freedoms or legitimate interests of the data subject.
64. The Commissioner is of the view that, generally, individuals who are paid out of the public purse, should expect that some information relating to the services they provide will be made publicly available. In this case the individual in question, as senior counsel, would have been responsible for providing legal advice which would inform the PPS's decision making, and as such it is arguable that the individual should be accountable for their advice. However the Commissioner notes that the cost of the legal advice has been disclosed, and considers that disclosure of the name of the individual is not essential to the public's understanding of PPS's decision in this case. In addition the legal advice would have been scrutinised as part of the review conducted under the PPS Code for Prosecutors. Disclosure of the name of the individual would therefore provide insufficient additional accountability for there to be an overriding legitimate interest in disclosure.
65. The Commissioner is also mindful that the individual has expressed a clear view that their name should not be released on the grounds of personal safety, which the Commissioner cannot ignore in the context of the security situation in Northern Ireland. The Commissioner accepts the individual's concern that disclosure of their name would constitute unwarranted prejudice to their own legitimate interests. The Commissioner is mindful that the PPS is part of the criminal justice system, and as such has been the target of terrorist activity.

66. The Commissioner considers that any public interest in disclosing the name of the senior counsel does outweigh the individual's legitimate concerns that disclosure would cause harm or would otherwise be unfair. Therefore the Commissioner finds that the disclosure of this individual's name would not be fair and would breach the first data protection principle.
67. As the Commissioner has found that section 40(2) is engaged he is not required to consider the exemption at section 38.

## **Other matters**

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### **Internal review**

68. 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 of request 1.1 on 14 February 2011, and requested an internal review of request 1.3 on 8 March 2011. Despite extensive correspondence – and the Commissioner's intervention - the outcome of the internal reviews were not communicated to the complainant until 17 April 2012. This means that the PPS took in excess of a year to complete the internal reviews.
69. 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."*
70. The Commissioner has also produced guidance<sup>2</sup> setting out his view that internal reviews should take no longer than 20 working days, or in exceptional circumstances, 40 working days.
71. 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

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[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/practical\\_applications/internal%20reviewsv1.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_applications/internal%20reviewsv1.pdf)

the total time taken from the original request being refused, to the start of the Commissioner's investigation of a complaint.

72. The PPS accepted that the time taken to complete the internal reviews was excessive. The PPS explained to the Commissioner that it needed to consult with third parties, and given the nature of the case this took longer than would have been desired. The Commissioner acknowledges that there are certain complicating factors in this case. However, he is of the view that the PPS ought to have communicated more effectively with the complainant. For example, the Commissioner notes that the consultation only related to a small part of the requests, so the PPS could have conducted a review of the remainder of the response in a much shorter time.
73. The Commissioner also notes that the complainant specifically asked the PPS not to treat some of his correspondence as a request for internal review. He then proceeded to ask the PPS for information about its response to his requests, and challenged parts of the responses. Therefore it appears that the complainant himself delayed and complicated matters somewhat by insisting on further exchanges of correspondence before requesting an internal review.

## Right of appeal

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74. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

75. 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.
76. 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 .....**

**Graham Smith**  
**Deputy Commissioner**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

## **Annex 1**

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### **Request 1.1 – submitted on 14 December 2010**

1. Are all decisions taken by PPS recorded and or documented in relation to each case, if so, please give full details.
2. Are the decisions taken by the PPS open to scrutiny by the victim following conclusion of case. If so, please give full details.
3. Did the PSNI ever recommend that any criminal charges should be brought against any person(s) connected with above case.
4. Please confirm if the PPS have ever received a file from the RUC concerning the case. If so, please supply details.
5. Have the RUC ever requested advice from PPS concerning this case.
6. Please give full details concerning time limits to make charging decisions by PPS.
7. Please supply full details of independent counsel who has been sought by PPS concerning the ongoing review.
8. Please supply copies of all documents including emails, letters, phone records, logs, notes between PPS and independent counsel.
9. Please supply copies of all documents including emails, letters, phone records, logs, notes between PPS and PSNI.
10. Please explain why it took the PPS one year to reach a charging decision in the case. Please also supply all/any information the PPS have regarding time limits for dealing with such decisions.
11. Please explain decision on not charging persons connected to my 1991 kidnapping.

### **Request 1.2 – submitted on 19 January 2011**

1. How many individuals have been caused physical harm or endangered as a result of requests for such information?
2. What evidence do the PPS have which shows individuals have been physically harmed or endangered in such instances?
3. Please supply all evidence of all/any such instances which have taken place during the past 12 months
4. Please give details of any injuries sustained to such individuals and give details on whether or not such cases were reported to or investigated by PSNI.

**Request 1.3 – submitted on 4 February 2011**

1. Provide the names of all law firms and individuals who have supplied such services and/or advice to the PPS concerning the case during the past 3 years to the present day.
2. Please supply full details of all amounts paid by the PPS on all external legal advice and/or external legal representation concerning this case since 17 June 1999 to the present day.
3. Please provide a breakdown of the figures and also specify which payments were counsels' fees.
4. Please provide the names of all law firms and individuals, including independent counsel who have supplied such services and/or advice to the PPS concerning the case during the past 3 years and to the present day.

The complainant revised request 1.3 on 7 February 2011 to cover the last 3 years only.