

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 18 July 2013

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

#### Decision (including any steps ordered)

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1. The complainant requested information from the Crown Prosecution Service (CPS) about 'Operation Douglas'. The CPS has failed to provide a formal response to this request. The CPS breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.
2. The Commissioner requires the CPS to take the following steps to ensure compliance with the legislation:
  - Provide a formal response to the request of 20 February 2013 which is in compliance with FOIA.
3. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

#### Request and response

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4. On 20 February 2013 the complainant wrote to the CPS and requested information about 'Operation Douglas' in the following terms:

*'Given the findings and the comments of the courts, has the CPS at any point revisited its decision-making in 2005/06 to examine whether the right decisions were made?'*

- *If the decisions were revisited, how was this done? I would like the information held in this regard.*
- *As well as knowing whether the CPS revisited its decisions given the serious concern raised by the most senior courts in the land, I would also like to know whether the CPS has ever carried out any inquiries into its own role in the prosecutions of Gary Ford and Paul Maxwell/Danny Mansell.*
- *I would like to think the CPS has carried out an inquiry into how it handled the prosecutions and if it did, I would like the information held on those inquiries.*
- *If the CPS did not carry out any kind of inquiry into what went wrong and whether CPS personnel knew of at least some of the activities of police officers, I would like a comment as to why it did not investigate.'*

5. The CPS contacted the complainant on 21 February 2013 in order to acknowledge receipt of the request.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 5 April 2013 in order to complain about the CPS' failure to respond to his request of 20 February 2013.
7. The Commissioner wrote to the CPS on 19 April 2013 and noted that although it had acknowledged receipt of this request it had, to date, failed to respond. The Commissioner asked the CPS to ensure that a response to the request, compliant with the requirements of FOIA, was issued within the next 10 working days.
8. The complainant contacted the Commissioner again on 8 May 2013 and explained that despite the Commissioner's intervention he had still not received a response from the CPS to this request.

### **Reasons for decision**

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9. Section 1(1) of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have that information communicated to him. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
10. The Commissioner has not been provided with any evidence that the CPS has responded to the request. Consequently, he finds that it has

not responded to the complainant's request within the statutory time frame and so has breached section 10(1) of FOIA.

11. The Commissioner therefore requires the CPS to provide the complainant with a formal response to his request of 20 February 2013 that is in compliance with FOIA.

## Right of appeal

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12. 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)

13. 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.
14. 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**