



# OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

Reply to: Claire Buckley

Tel No: 01953 424455

18<sup>th</sup> April 2018

Dear Member of Public,

## **Freedom of Information Request FOI/OPCCN/137**

I am writing in connection with your email dated 19<sup>th</sup> March 2018 in which you requested the following information:

**“I am requested information on public money spent on the case on XXXXX v Officer for Police Crime Commissioner of Norfolk & the Chief Constable of Norfolk Police.**

**I request to know the figure of “all” costs and invoices that will be or have been paid to Filed Fischer for representation.**

**I would also like to know the breakdown of:**

- \* The costs for the time spent on the application for a Charging Order**
- \* The costs for perpetration “and” representation for the hearing on the 8th March at London High Court**
- \* The costs for the total of everything.**

**As your Office has undoubtedly shown negativity towards me in the past, I must in from you that this request falls squarely under the FOI Act and you are obliged to provide the following information. This obligation has been reaffirmed in the case of Neil Wilby v Office for Police and Crime Commissioner for North Yorkshire. This request was identical to mine and the PCC refused it. The case went to Court and the Tribunal made an Order for the PCC to supply the information.**

**I trust you will fulfill your obligations and there will be no need to waster any public funds on taking this case to the Tribunal.”**

## **Response to your Request**

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at section 1(1)(b) is to disclose the information that has been confirmed as being held. Where exemptions are relied upon, section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact, b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

The Office of the Police and Crime Commissioner for Norfolk (OPCCN) can neither confirm nor deny that it holds any information relevant to your request, as the duty in section 1(1)(a) of the FOIA does not apply by virtue of the following exemption:-

- Section 40(5) Personal Information

The duty to neither confirm nor deny under this section of the Act arises where the disclosure of the information into the public domain would contravene any of the principles of the Data Protection Act 1998.

Irrespective of what information OPCCN may or may not hold, any request which has potential to identify a third party, by citing an exemption, would attract a neither confirm nor deny response by virtue of section 40(5) as it constitutes personal data of an individual other than the applicant and disclosure would contravene the first data protection principle which states in part that personal data shall be processed fairly and lawfully.

No inference should be taken from this response that information is or is not held.

Yours sincerely

*CBuckley*

Claire Buckley  
Freedom of Information Officer  
Office of the Police and Crime Commissioner  
For Norfolk.

## Internal Review

If you think we have not supplied information in accordance with Section 1 (the General Right of Access) of the Freedom of Information Act 2000, or you are dissatisfied with the way in which your request has been handled, then you should write, in the first instance, to:

Mark Stokes  
Chief Executive  
Office of the Police and Crime Commissioner for Norfolk  
Building 8  
Jubilee House  
Falconers Chase  
Wymondham  
Norfolk  
NR18 0WW

Telephone: 01953 424455

Fax: 01953 424462

Email: [opccn@norfolk.pnn.police.uk](mailto:opccn@norfolk.pnn.police.uk)

If you are dissatisfied in any way with our response or the way we have handled your request, you can contact us by phone, email or in writing. We may, in the first instance, try and resolve your complaint informally. However, at any stage you can request or we may decide to treat your complaint formally under our internal review process.

An internal review is conducted by the Chief Executive who will review the request and response, taking account of your complaint(s), and will respond in writing as soon as possible. The Information Commissioner's Officer recommends that a response should be made in 20 working days. If we are unable to respond in this timeframe we will inform you and provide a date by which you should expect to receive our response.

If, after the internal review, you remain dissatisfied then you can complain to the Information Commissioner's Office, the government regulator for the Freedom of Information Act. Details of how to contact the Information Commissioner's Office can be found at [www.ico.gov.uk](http://www.ico.gov.uk)