

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 January 2014

Public Authority: Chief Constable Staffordshire Police

Address: Police Headquarters

PO Box 3167

Stafford

ST16 9JZ

Decision (including any steps ordered)

1. The complainant requested information from Staffordshire Police about the cost of a visit to its area by the Prince of Wales. Staffordshire Police initially refused to disclose some of the requested information, and said that it did not hold the remainder. Following an internal review, it told the complainant that it does not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, Staffordshire Police does not hold the requested information. He requires no steps to be taken.

Request and response

3. On 4 June 2013 the complainant made the following request for information under the FOIA:

"Please can you provide me (as a Freedom of information request) with the total cost of the Royal visit from Prince Charles on 22nd January 2013 to Staffordshire and if possible, a breakdown of that cost?"

Areas for consideration of cost may be, but not limited to –

1. *Security*

Including cost of police, risk assessments and health and safety considerations, road closures, crowd safety, barriers etc.

2. *Catering*

Including cost of food and drink, catering staff wages and equipment (hired and/or purchased) etc.

3. *Organisation*

Including cost of time spent by staff to arrange the visit, "rest" facilities, building hire, administration and stationery costs, cost of any gifts, mementous or souvenirs, transport and stewarding etc.

Please could you also inform me if any of the cost was met by any other organisations or bodies or if you received any donations to help meet the cost, or received any sponsorship, who this was from and how much was given?"

4. Staffordshire Police responded on 1 July 2013. With respect to security - part (1) of the request - it refused to provide the requested information citing the following exemptions:

- section 24(1) national security;
- section 31(1)(a) law enforcement: prevention or detection of crime; and
- section 38(1)(a) and (b) health and safety.

5. In relation to catering - part (2) of the request - Staffordshire Police told the complainant that *"no cost was incurred for food/catering facilities"*.

6. With respect to organisation - part (3) of the request – it said that it did not hold information within the scope of that part of the request. It explained:

"Cost of time spent by staff arranging the visit would be carried out by officers working their normal day to day duties. There would not be a separate cost incurred for administration/stationery costs for such visits. There was no building hire or purchase of gifts etc".

7. In requesting an internal review, the complainant told Staffordshire Police that she did not accept its response as her request is only for details of the cost of one specific visit, not the overall cost of security for Prince Charles.

8. Staffordshire Police provided an internal review on 20 August 2013. It revised its position with respect to part (1) of the request, telling the complainant that it does not hold the requested information:

"as staffing for such events are provided for from operational strength ie officers carrying out duties as part of their day to day roles".

9. However, it told her that, if it was available, it would be exempt under sections 24(1) and 31.

Scope of the case

10. The complainant contacted the Commissioner on 13 September 2013 to complain about the way her request for information had been handled.
11. She told the Commissioner:

"I do not accept the two reasons they give for turning the request down".
12. The Commissioner acknowledges that Staffordshire Police initially gave two reasons for refusing the request – those reasons being that some information within the scope of the request was exempt from disclosure (part 1) and that it did not hold the remaining information (parts 2 and 3).
13. However, in its internal review correspondence, Staffordshire Police told the complainant that it did not hold information about the overall cost of security for the visit (part 1). It went on to say that:

"In any case if this was available it would be exempted ...".
14. In light of the above the Commissioner considers the scope of his investigation to be whether Staffordshire Police is correct when it says that it does not hold the requested information.

Reasons for decision

Section 1 general right of access

15. Section 1 of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."
16. In bringing her complaint to the Commissioner's attention, the complainant said:

"I don't think that it is credible that they aren't keeping this info – or at least something close to it... as they must have to plan staffing for the event and have budgets they work with".

17. She also expressed the view that:

"a royal visit is not a day to day occurrence and so the Police officers involved would have been taken away from what they would have been otherwise doing that day, if there hadn't been a royal visit. And therefore that is a cost to the public".

18. The Commissioner finds it understandable that members of the public may well consider that such events need to be planned and separately budgeted for. In this case, he notes too that Staffordshire Police, by initially citing an exemption, gave the impression that it held relevant information.
19. The Commissioner has sought to determine whether, on the balance of probabilities, Staffordshire Police holds any relevant information which would enable it to answer the request. Applying the civil test of the balance of probabilities is in line with the approach taken by the Information Rights Tribunal when it has considered the issue of whether information is held in past cases.
20. In deciding where the balance of probabilities lies, the Commissioner will consider the searches carried out by the public authority, in terms of the extent of the searches, the quality of the searches, their thoroughness and results the searches yielded. He will also consider any other information or explanation offered by the public authority which is relevant to his determination.
21. In its substantive response to the Commissioner, Staffordshire Police provided information in support of its view that it does not hold the requested information. This included providing the Commissioner with information about the nature of the searches conducted, including examples of the search terms used to locate any relevant electronic records.
22. The Commissioner has considered the nature of the searches that have been conducted. He has also considered Staffordshire Police's reasons for saying that no information is held.
23. In that respect, he notes that the search carried out - of the system used for management review and financial audit purposes and where the requested information, if recorded, would be held - related to all the officers involved.

24. While appreciating the complainant's frustration that Staffordshire Police cannot answer her request because it does not hold the specific information she has asked for, the Commissioner is mindful of the comments made by the Information Tribunal in the case of *Johnson / MoJ* (EA2006/0085) that the FOIA:

"does not extend to what information the public authority should be collecting nor how they should be using the technical tools at their disposal, but rather it is concerned with the disclosure of the information they do hold".

25. On the basis of the evidence provided to him, the Commissioner is satisfied that Staffordshire Police does not hold any relevant information which would enable it to answer the request.

Right of appeal

26. 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

27. 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.
28. 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
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Wilmslow
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SK9 5AF