

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 10 September 2015

**Public Authority:** Commissioner of the City of London Police  
**Address:** Police Headquarters  
Guildhall Yard East  
London  
EC2V 5AE

#### Decision (including any steps ordered)

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1. The complainant has requested information connected to any attendance by the City of London Police ('COLP') at the Sun Newspaper premises between 01 January 1980 and 01 January 1983. COLP provided some recently generated information but advised the complainant that it does not anything further. The Commissioner's decision is that, on the balance of probabilities, no information is held. He requires no steps.

#### Background

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2. As part of his grounds of complaint the complainant, who is a journalist, provided the Commissioner with the following:

*"I have enclosed a link to a newspaper article which was based on those documents [requested] and which refers to the break in.*

*The link is <http://www.dailymail.co.uk/news/article-2984529/Cabinet-office-child-abuse-cover-MoS-beats-attempt-No10-gag-VIP-file-shows-Thatcher-knew-paedophile->"*

## Request and response

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3. On 19 March 2015, the complainant wrote to COLP and made the following four part request:

*"Can you please provide a list of instances when officers and or employees of the City of London Police attended the premises of The Sun newspaper between 1 January 1980 and the 1 January 1983. You will be aware that the newspaper was then based on Bouverie Street. In the case of each instance can you please provide the relevant dates. In the case of each instance can you please say why the police were called into the offices of the newspaper. In the case of each instance can you say if any arrests and or charges followed.*

*During the aforementioned period did the management and or staff of The Sun newspaper report any crime on the newspaper's premises. If the answer is yes please provide full details. In the case of each incident can you please provide the relevant dates and details of the alleged/actual crime. In the case of each instance can you say if any arrests and or charges followed?*

*Does the force contain specific information about a burglary and or break in at The Sun which according to recent newspaper reports took place in 1982. If the answer to this question is yes can you please provide the time and specific date of the incident. Can you also provide details of what may have been taken from the newspaper during the break in / burglary.*

*Can you please provide all documentation held by the force including emails which in any way relates to the alleged break in at The Sun newspaper in 1982. This documentation may have been generated in the light of the recent press reports about the break in. These documents will include but will not be limited to information generated and or held by the force's press office".*

4. COLP responded on 20 April 2015. It stated that it had been unable to locate any information within the scope of the request.
5. Following an internal review COLP wrote to the complainant on 15 June 2015. It provided more details about the searches undertaken and again advised that it had been unable to locate any information.

## Scope of the case

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6. The complainant contacted the Commissioner on 18 June 2015 to complain about the way his request for information had been handled. In light of the newspaper story referred to above (see Background above), he did not accept that COLP would hold no information, particularly more recent information as would be covered at part 4 of his request.
7. During the course of the investigation, as a result of the Commissioner raising the complainant's concerns regarding part 4 of his request, COLP found emails relating to a related press enquiry which it had received the day before this request. An anonymised copy was provided to the complainant (who was happy with the redactions) so this press enquiry has been removed from the scope of this investigation.

## Reasons for decision

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### Section 1 – general right of access

8. Section 1 of the FOIA states that anyone making a request for information to a public authority is entitled to be informed whether the public authority holds the information, and if so, to have that information communicated to them.
9. The Commissioner is mindful that when he receives a complaint alleging that a public authority has stated incorrectly that it does not hold the requested information, it is seldom possible to prove with absolute certainty whether the requested information is held. In such cases, the Commissioner will apply the normal civil standard of proof in determining the case and will decide on the 'balance of probabilities' whether information is held.
10. Therefore, the Commissioner has sought to determine whether, on the balance of probabilities, COLP holds any recorded information within the scope of the request.
11. In its internal review COLP that it holds records in line with national guidelines and local procedures and that information about a break in / burglary would normally be retained for 6 years. It stressed that it was not sure that the retention guidelines would have been the same in 1982, but that in 2009 a three year review of manual records was commenced and records that did not meet the retention criteria were destroyed. On this basis it advised that it believed it unlikely that any relevant records would be retained some 33 years after creation. It also

explained that it had searched the electronic indexes created as a result of the 2009 review and that it had not been able to identify any relevant records. Finally, it had retrieved three boxes of manual records from storage and searched manually, but no relevant record was identified – this search had taken 15 hours.

12. The Commissioner asked further questions and he was provided with the following details:

*"The requested information relates to the period 1980 to 1983 and if held, would consist of a manual record or records. Question 1 relates to visits to the premises of the Sun Newspaper in Bouverie Street, which could be for any reason. It is unlikely that a record of such visits would be made unless they related to a crime, in which case, a crime record would be created. It is possible that a non-crime event of a more significant nature could have been attended and may have been recorded in an 'occurrence [sic] book'. Computer Aided Dispatch (CAD) reports, now used to record all incidents requiring a police response were not introduced until 1984. Questions 2, 3 and 4 relate to a crime or crimes and would have involved a manual crime record or records and associated file or files if detected.*

*However, as explained in the Internal Review, the retention period for a crime of the type described by the applicant is currently 6 years. We do not know what the retention period was in the 1980s, but we would suggest that it was likely to be a similar period and doubt if any relevant records were retained into the 1990s. Additionally, a 3 year long review of all archived records was commenced in 2009 and records which did not meet the retention criteria were destroyed. Where a record was retained, an entry was made on a spreadsheet and it was moved to off-site storage.*

*We therefore felt that the best chance of retrieving any relevant information was to search the spreadsheets for relevant crime records and retrieve the occurrence books for manual examination. No relevant crime reports or entries the occurrence books were identified. A total of 15 hours was spent dealing with this request, with most of the time taken manually reviewing the occurrence books".*

13. In addition to this it explained that the spreadsheets it had searched were held on a server and the key words it had used to search the spreadsheets were 'Sun' and 'Newspaper'. It also advised that:

*"The member of staff has confirmed that he searched for 'Cyril Smith' during the original search".*

14. The Commissioner is satisfied that the search terms used are the most likely ones to have met with a result.
15. COLP was also asked about its retention policies for this type of information and it advised the Commissioner as follows:

*"The City of London Records Management Policy states that all records will be retained in accordance with national Management of Police Information (MOPI) retention schedules".*

And that:

*"The retention period for this type of record is 6 years. There is no business need to retain such records beyond this period unless other factors apply, such as the identification of additional related crimes".*

16. The Commissioner also notes that the complainant drew his attention to that part of his request which asks for information which may have been generated more recently in the light of the recent press reports about the break in. The Commissioner therefore specifically asked COLP about this part of the request which resulted in it locating details of the press enquiry which was found and disclosed to the complainant, albeit at a late stage.
17. Based on the information provided by COLP, the local enquiries made and the age of the information that would have been held, the Commissioner is satisfied that, on the balance of probabilities, no recorded information within the scope of the request is held. He is therefore satisfied that COLP has complied with the requirements of section 1 of the FOIA in this case.

## **Right of appeal**

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18. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**