

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

### **Decision notice**

**Date:** 5 May 2023

**Public Authority:** Chief Constable of Northumbria Police

**Address:** Northumbria Police Headquarters

Middle Engine Lane

Wallsend

Tyne & Wear

NE28 9NT

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

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1. The complainant has requested information from Northumbria Police ("the public authority"), that relates to all communications between the Police and Sunderland City Council regarding the Hetton Aspirations Linking Opportunities (known as HALO). The public authority provided some information to the complainant but explained that it does not hold any further information relevant to the complainant's request.
2. The Commissioner's decision is that, on the balance of probabilities, the public authority is correct to confirm that it does not hold any further information in relation to the request.
3. The Commissioner does not require the public authority to take any steps as a result of this decision notice.

### **Request and response**

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4. On 22 March 2022, the complainant wrote to the public authority and requested information in the following terms:

"From 1 January 2021 to date, details of all dialogue between Northumbria Police and Sunderland City Council (officers and Members) and Police & Crime Commissioner for Northumbria relating to the

establishment, governance and operation of the multi-agency partnership "Hetton Aspirations Linking Opportunities" (known as HALO).

Your response should include: All correspondence (i.e., Emails, letters and any messages sent using mobile devices);

Contemporaneous notes;  
Transcript or audio recording of all telephone calls; and  
Recordings of meetings held remotely."

5. The public authority responded on 25 April 2022. It stated that it did not hold information in relation to the request. On 28 April 2022, the complainant requested an internal review.
6. The Commissioner asked the public authority to carry out an internal review on 11 August 2022, however, this was not carried out. The Commissioner contacted the public authority again on 23 September 2022, again asking for an internal review to be carried out.
7. Following an internal review, the public authority wrote to the complainant on 18 October 2022. It stated that it upheld its original position; no information is held in relation to the request.
8. During the Commissioner's investigation, he asked the public authority to carry out further searches outside of the Sunderland command area. The public authority located some information and has since provided that to the complainant.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 9 August 2022 to complain about the way their request for information had been handled.
10. The Commissioner considers the scope of his investigation to be to determine whether the public authority is correct when it says it does not hold any further information in relation to the request.

### **Reasons for decision**

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11. Section 1(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.
12. In scenarios such as this, where there is some dispute between the public authority and the complainant about the amount of information that may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities.
  13. For clarity, the Commissioner is not expected to prove categorically whether the information is held, he is only required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.
  14. In deciding where the balance of probabilities lies, the Commissioner will consider the complainant's evidence and arguments. He will also consider, where applicable, the searches carried out by the public authority, in terms of the extent of the searches, the quality of the searches, their thoroughness and the results the searches yielded. In addition, he will consider any other information or explanation offered by the public authority which is relevant to his determination.
  15. The Commissioner's role is not to consider whether a public authority should hold information that has been requested but whether, on the balance of probabilities, it does or does not hold it.
  16. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that the public authority holds no further relevant information.
  17. In his guidance, the Commissioner recognises that FOIA only applies to information that a public authority already holds in recorded form at the time of a request.

### **The complainant's view**

18. The complainant has explained to the Commissioner that in October 2021, a meeting regarding the HALO initiative, which is a multi-agency partnership initiative, being led by Sunderland City Council and Northumbria Police, took place and the representatives gave an indication that the Town Council would be a key partner and would have representation at the Strategic Board responsible for the direction and delivery of the project.
19. They explained that the project was then launched, without notification to the Town Council and when this was queried, they were advised that they were now only regarded as a stakeholder.

20. The complainant also explained that the HALO project has support from the Neighbourhoods Directorate of the Council and has also received funding to employ a community engagement worker, as well as providing secure office accommodation for them to work from.
21. The complainant has explained that if both Northumbria Police and Sunderland City Council are denying holding any information in relation to the request, then it means that neither of the two key partners involved with the high-profile project are admitting to having any recorded information relating to its establishment or governance.

### **The public authority's response**

22. The public authority has explained to the Commissioner that significant searches have been carried out as the request required information from several different formats.
23. The public authority explained that on 23 March 2022, the now retired Chief Superintendent of Sunderland Area Command, advised that after searching her emails and document folders, there was no information held by her or any of her colleagues in relation to the partnership known as HALO.
24. The public authority also advised that discussion was undertaken with the Officer who confirmed that information would not have been held elsewhere within the Force and, as such, searches were not widened beyond the Sunderland Area Command.
25. The public authority went on to explain that following the internal review, searches were undertaken as the original Officer had retired from the Force and her replacement, also a Chief Superintendent, confirmed that there was no information that suggested that the original response provided had been inaccurate. The new Chief Superintendent checked records to ascertain if any meetings had taken place between all three organisations and it was confirmed that no details of such meetings were recorded.
26. The public authority also explained that the HALO Partnership was not led in any capacity by Northumbria Police and was primarily managed by the Local Authority.
27. The public authority also explained to the Commissioner that only 999 and 101 telephone calls are recorded and, therefore, if any telephone meetings had happened, they would not have been recorded, nor would transcripts have been made. There are numerous instances of public authority meetings or calls taking place where no recorded information is created. FOIA does not place an obligation on public authorities to record each and every interaction.

28. The public authority also provided details of the search terms used to look for the information. This contained searches for the following: HALO, Hetton Aspirations Linking Opportunities, Sunderland Council, OPCC and the Office for the Police and Crime Commissioner for Northumbria. These searches were done for emails, calendars and document folders, using the date parameters set out at the applicant's request.
29. During the Commissioner's investigation, he asked the public authority to explain if all areas had been covered within the force, rather than just the small section which polices the area in question.
30. The public authority explained that the project is for a specific town within Sunderland and was a multi-agency approached project, which was led by the Local Authority. It explained further that the project was geographically linked to Sunderland and did not expand to other geographical areas outside of its force and as such, it would not have been discussed outside of the Sunderland Area Command.
31. The public authority advised that whilst the project was not discussed outside of the Sunderland Area Command, it has checked with Senior Officers to determine if any further information is held.
32. The Senior Officers carried out additional searches and managed to identify some emails in relation to the project, during the timeframe set out in the request.
33. The public authority provided the emails to the complainant, explaining that extensive interrogation of a closed email account had taken place and it was here that some information within the scope of the request was located.

## **Conclusion**

34. In reaching his decision in this case, the Commissioner has taken into account the actual wording of the questions that comprise the request for information. He has also taken account of the views put forward by the complainant and the explanations provided by the public authority.
35. The Commissioner asked the public authority to check again that no further information is held. The public authority asked the relevant individuals and has confirmed that all the held information has been provided.
36. The Commissioner understands why the complainant would consider that information would be held which falls within the scope of their request. He also understands why the complainant would expect either

Northumbria Police or the Council to hold information in relation to the request. However, the Commissioner can only make a decision on the evidence and explanations provided and, in these circumstances, he is satisfied that the public authority has carried out sufficient searches to locate information and that, on the balance of probabilities, no further information that falls within the scope of the request is held.

## Right of appeal

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37. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

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

38. 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.
39. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**