

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 June 2023

Public Authority: Crown Prosecution Service
Address: 102 Petty France
London
SW1H 9EA

Decision (including any steps ordered)

1. The complainant has requested information relating to a memo that the Home Office is alleged to have sent in 2008. The Crown Prosecution Service's (the CPS) position is that it does not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, the CPS does not hold the requested information. The Commissioner does not require the CPS to take further steps.

Request and response

3. On 11 April 2023, the complainant wrote to the CPS and made the following request for information:

"In October 2018 Chief Prosecutor in North West England, Nazir Afzal, alleged on BBC Radio 4 that the Home Office had issued a memo to all police forces in 2008, informing that the child victims of Pakistani grooming gangs had made an "informed choice" and "it's not for you police officers to get involved in"

Would you please provide the referenced circular / memo / email?"

4. The final position of the CPS was that it holds no recorded information falling within the scope of the request.

Reasons for decision

5. This reasoning covers whether the Commissioner considers the CPS to be correct when it says it does not hold information within the scope of the request.
6. The CPS has confirmed in its internal review decision that following a thorough search, it does not hold recorded information that falls within the scope of the request, and that from its "records [it] cannot confirm that [it has] ever held a copy. It is not a policy document generated by the CPS or jointly with the Home Office."
7. The CPS went on to state that "to ensure good record management practice, the Crown Prosecution Service operates a schedule of retention and destruction of records. [It] only hold records when they have value and will dispose of them when it is not proportionate for them to be retained. The retention schedule identifies and categorises different class of records and defines how long they should be retained for. The schedule in operation in 2008 states that administrative files should be held for 5 years and then destroyed if no longer required. A memorandum from the Home Office would likely have been considered as an administrative file and would have been subject to this schedule of destructions."
8. The complainant considers that the CPS' claim that the requested information "being of no value is untenable". The complainant considers that if the requested document had been destroyed then "there should still be a record of when it was destroyed", "who destroy[ed] it", "and why it was considered to be of no value, when in fact the document would have been an absolute bombshell in 2013, if not before".
9. The Commissioner has considered the complainant's view and the CPS' position and accepts the CPS' reasoning for stating that it does not hold information within the scope of the request.
10. Whilst the Commissioner recognises that the complainant disagrees with the CPS on whether the document in question would have value if held, this is only in response to the CPS' explanation of its retention policy rather than any specific statement it has made on the value or otherwise of the requested information. Ultimately, the CPS has confirmed that it has conducted a thorough search and can find no information falling within the scope of the request, or any record of that information ever having been held. The Commissioner has no reason to believe that the CPS is incorrect in stating this and has been provided with no evidence that would contradict this statement.

11. Therefore, his decision is that, on the balance of probabilities, the CPS does not hold information within the scope of the request.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

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

Pamela Clements
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