

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

### **Decision notice**

**Date:** 4 February 2025

**Public Authority:** Greater Manchester Combined Authority  
**Address:** Churchgate House  
56 Oxford St  
Manchester  
M1 6EU

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

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1. The complainant has requested a copy of a reply to a letter. The above public authority ("the public authority") stated that it did not hold the information.
2. The Commissioner's decision is that, on the balance of probability, the public authority does not hold the requested information. The public authority's handling of the request breached section 10 of FOIA.
3. The Commissioner does not require further steps to be taken.

#### **Background**

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4. The request concerns a letter the then-Police and Crime Commissioner for Greater Manchester, Tony Lloyd, sent to the Director of Public Prosecutions who, at that time, was Sir Keir Starmer. A copy of this letter is in the public domain and bears a stamp from the Crown Prosecution Service (CPS) indicating it was received. The Commissioner has no reason to doubt the authenticity of that document.
5. Mr Lloyd asked Sir Keir to investigate why the CPS had made a decision, in the late 1990s, not to prosecute former Rochdale MP Cyril Smith, despite evidence that he had abused children. Mr Lloyd also referred to an allegation that some form of commitment had been made, to Mr

Smith, in 1970, that he would not be prosecuted. Mr Lloyd wanted to understand why such a commitment had been made (if indeed it had).

6. On 5 February 2024, the complainant wrote to the CPS and requested information in the following terms:

"There is a letter dated 7 December 2012 addressed to the Director of Public Prosecutions Mr K Starmer QC from T Lloyd Police and Crime Commissioner For Greater Manchester and I would appreciate of a copy of the response."

7. The CPS responded to that request on 4 March 2024. It stated that it did not hold the information and suggested that the complainant make a request to the public authority instead – although it did not indicate whether the public authority did in fact hold a copy of any response or whether one even existed.

## **Request and response**

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8. On 4 March 2024, the complainant wrote to the public authority and referring to the suggestion he'd received from the CPS, stated:

"Please provide the information required."

9. On 8 April 2024, the public authority responded. It confirmed that it had searched its systems but been unable to locate the requested information. It asked for a copy of Mr Lloyd's letter to assist with its searches. This was provided.
10. On 29 May 2025, the public authority issued a further response. It stated that, having completed its searches, it was satisfied that it did not hold the requested information.
11. The public authority does not appear to have carried out an internal review of this request, but the Commissioner is aware that it has processed a "meta-request" for information concerning the way the first request was handled.

## **Reasons for decision**

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12. Where there is a dispute between the amount of information a public authority says it holds and the amount of information a requester believes it should hold, the Commissioner's role is to decide whether it is more likely than not that the public authority has provided all the information it holds.

13. The public authority explained in its response that it had searched its email systems and had reviewed its files from that time period. It noted that, at the time the original letter was sent, the Police and Crime Commissioner's Office was new and did not have a correspondence team – therefore it could not rule out the possibility that some correspondence was no longer held.
14. In his evidence to the Commissioner, the complainant provided a copy of the CPS' response. He was adamant that the public authority must hold a copy of this information. His reasoning was that Mr Lloyd's letter was of such importance that it ought to have obliged Sir Keir to have provided a response. He claimed there was a "cover-up."
15. In the Commissioner's view, it is more likely than not that the public authority does not hold the information.
16. The original letter from Mr Lloyd was clearly on a subject of importance. The complainant believes that this fact, when combined with the status of the letter's author, would have compelled a diligent Director of Public Prosecutions to respond.
17. It is not for the Commissioner to determine whether or not Sir Keir ought to have responded to this correspondence. No evidence has been placed before him that indicates Sir Keir (or the wider CPS) did in fact respond. Neither the organisation that would have sent any reply (the CPS) nor the organisation that would have received it (the public authority) has been able to offer any certainty that the document ever existed.
18. The complainant has been unable to put forward any information, either unearthed as part of his meta-request or otherwise, that would indicate that the public authority's searches were inadequate. In his request for an internal review, he appeared to accept that "there is no proof [Sir Keir] ever did reply."
19. The Commissioner therefore feels able to say with reasonable confidence that, based on the available evidence, it is more likely than not that the information (if it ever actually existed) is not held by the public authority.

## **Procedural matters**

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20. It is evident from the responses that the public authority had failed to complete adequate searches to assure itself that no information was held until 28 May 2024. The public authority therefore breached section 10 of FOIA as it was unable to confirm, definitively, within 20 working days that it did not hold the information.

## Right of appeal

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21. 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)

22. 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.
23. 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

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**