

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

### **Decision notice**

**Date:** 11 November 2025

**Public Authority:** Office of the Police and Crime Commissioner for Lancashire

**Address:** County Hall  
Preston  
PR1 0LD

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

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1. The complainant has requested information about an alleged task force set up by Lancashire Police to deal with complaints about an individual.
2. The Office of the Police and Crime Commissioner for Lancashire ("OPCC") informed the complainant that the information was not held.
3. The Commissioner's decision is that the information requested was not held.
4. The Commissioner does not require further steps.

#### **Request and response**

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5. On 10 March 2025, the complainant requested information in the following terms:

""Background:

At present, and for the past several years at least, Lancashire Constabulary ("Lancs") is deploying a Task Force to contain the complaints made about, and by, a single individual, resident in the force's operational area.

The Task Force is headed by Lancs' Operations Manager, a superintendent, and the Head of Legal Services (referred to internally, within Lancs, as the Force Solicitor). Two police inspectors are deployed full time at the strategic level, one based at Chorley South and the other at Preston, on this operation, plus officers of more junior rank providing tactical support conducting arrests, interviews and more general tasks.

Given this applicant's in-depth knowledge of policing matters, accrued over many years (dealings with Lancs, for example, date back to 2013) it is estimated that the task force is costing the precept payer at least £250,000 per annum. An extraordinary sum when, on close observation, the objective appears to be to protect the subject individual, rather than prosecute her or him.

Disclosure sought:

The following information is sought by way of the Freedom of Information Act, if held by the PCC's office:

1. The operational codename of the task force (a similar task force set up, in or around 2017, was codenamed 'Operation Malaya' and evidence in the public domain points strongly to the PCC being aware of that operation).
  2. The rank of the Gold Commander (precedent shows that if Gold is at superintending rank, or above, the officer has little or no expectation of privacy and should be named).
  3. A copy of the operation's Terms of Reference.
  4. Copies of any emails passing between the PCC, or PCC's office, and the chief constable, or chief constable's office, where this task force is either the subject, or reference is made to it in the body text.
  5. Any data relating to how the cost of this task force has been treated in the force's annual budget and accounts.
  6. Any data relating to the PCC or PCC's office holding the chief constable to account over the cost and efficiency (or inefficiency) of the task force - and its likely longevity."
6. On 13 March 2025, the OPCC responded as follows:
- "I can confirm that the Office of the Police & Crime Commissioner (OPCC) for Lancashire does not hold the information you have requested, however Lancashire Constabulary may be able to assist. Please email them on [foi@lancashire.police.uk](mailto:foi@lancashire.police.uk) with your request."

6. On 13 March 2025, the complainant requested an internal review in the following terms:

“Grounds for Challenge

I challenge your assertion that the OPCC holds no information on the basis that it is inherently improbable, given the OPCC’s statutory responsibilities under the Police Reform and Social Responsibility Act 2011. These duties include setting the policing plan, managing the budget, and holding the chief constable to account—functions that should naturally involve awareness of a £250,000 per annum task force.

Below, I address each requested item of disclosure to illustrate why I believe the OPCC likely holds relevant information:

1. Operational Codename of the Task Force - The OPCC may not originate operational codenames, but historical precedent (e.g., "Operation Malaya" in 2017, where public domain evidence indicates PCC awareness) suggests the PCC is briefed on significant operations. A task force costing £250,000 annually, ongoing for several years, is unlikely to escape such notice. Operation Malaya would have cost much, much less as it is reported publicly that it only operated for 4 months.
2. Rank of the Gold Commander - While operational leadership details might reside with Lancs, the OPCC could hold this information through briefings or reports, especially given the task force’s senior leadership (superintendent-level and particularly the Force Solicitor) and cost. Statutory oversight of policing efficiency would likely include awareness of command structures for such operations.
3. Terms of Reference - Although primarily an operational document, the OPCC might possess or have access to the Terms of Reference for oversight purposes, particularly to ensure alignment with the policing plan. The scale and cost of this task force suggest it would feature in strategic discussions.
4. Emails Between PCC/OPCC and Chief Constable - This item directly involves OPCC records. Given the task force’s significant annual cost and duration, it is highly improbable that no emails exist between the PCC or OPCC and the chief constable or their office discussing it. Such communications are routine for budget approvals, performance reviews, or accountability checks. The corollary, of course, being that the chief constable, and her predecessor, has deliberately withheld knowledge of the Task Force.
5. Budget and Accounts Data - The OPCC has statutory responsibility for the police budget, including precept allocation. A £250,000-per-year task force, sustained over multiple years, must be reflected in budget

planning, financial reports, or allocation discussions. It is very highly implausible that the OPCC holds no data on how this cost is treated.

6. Holding the Chief Constable to Account - The OPCC's core duty is to hold the chief constable accountable for policing efficiency and effectiveness. A task force of this magnitude—costing £250,000 annually with an apparent protective rather than prosecutorial objective—should prompt intensive scrutiny. Records of meetings, correspondence, or reports addressing its cost, efficiency, or longevity are, as such, more likely than not to be held.

### Statutory Context and Reasonableness

Under section 1(1)(a) of the FOIA, you must confirm or deny whether the requested information is held. Your response that "the OPCC does not hold the information" implies a comprehensive search was conducted, yet the scale of this task force and the OPCC's statutory role make this claim difficult to accept without further justification. The PCC's responsibilities, as outlined in [Police and Crime Commissioners: Roles and Responsibilities](<https://www.gov.uk/government/publicatio...>), include financial oversight and strategic accountability—areas directly implicated by a £250,000 annual expenditure. The suggestion to contact Lancs does not absolve the OPCC of its own obligations to hold relevant records, particularly for items 4, 5, and 6, which fall squarely within its remit.

### Request for Review

I request that the OPCC conduct an internal review of this decision for the following reasons: -

**\*\*Inherent improbability of 'No Information Held'\*\*: The task force's significant cost (£250,000 per year), duration (several years), and senior staffing make it inherently unlikely that the OPCC has no records, especially given its statutory duties. -**

**\*\*Precedent of Awareness\*\*: The 2017 "Operation Malaya" example suggests the PCC has historically been informed of similar operations, supporting the likelihood of records existing here. -**

**\*\*Statutory Duties\*\*: Items 4 (emails), 5 (budget data), and 6 (accountability data) directly relate to the OPCC's functions, making a "no information held" response highly questionable without evidence of a thorough search and enquiries being made of stakeholders.**

### Specific Actions Requested

During this review, I ask that you, mindful of the 18 hour limit under the Act:

1. Conduct a comprehensive search of all relevant records, including emails, meeting minutes, budget documents, and correspondence with Lancs, to verify whether any information is held.
2. If some items are not held by the OPCC, but might be by Lancs, specify which items fall into this category rather than issuing a blanket "no information held" response.
3. If you maintain that no information is held after review, provide a detailed explanation of the search process, including what records were checked and why no information was found, to justify the abdication of any responsibility from the three core statutory requirements of a PCC.

### Conclusion

As a journalist and information rights practitioner, with in-depth knowledge of policing matters over many years, I find it extraordinary that an operation of this scale and cost would not feature in OPCC records, given its policing plan, budget and oversight role.

I trust this review will ensure compliance with the FOIA and the public's expectation of transparency from the PCC's office. I look forward to your response within the Cabinet Office's Code of Practice timeframe for internal reviews.

Given the likely adverse impact on public confidence in both Lancashire Constabulary and the PCC's office falling out from the alleged lack of knowledge of the Task Force, an early response to this internal review request would be very welcome."

7. On 10 April 2025, the OPCC provided an internal review response as follows:

"In undertaking this review, I have referred to ICO guidance relating to the key questions ICO case officers would consider when they seek information from public authorities on the use of exemptions, in this case, information not held.

I am sure you will appreciate, it would have assisted me to undertake a more robust search if the codename of the operation was known. However, I have spoken to the individual officers within the OPCC who would hold such information about a specialist task force deployed by Lancashire Constabulary to manage complaints related to a single individual, costing an estimated £250,000 per annum.

I can confirm that no officer in the OPCC is aware of a codename of any police operation which meets the description of your request or has attended any 'gold meetings' or liaised/corresponded with a senior officer acting in the capacity as the 'Gold Commander' for such an operation.

Further, in my discussions with colleagues, I have not identified any recorded information which may have been previously held but deleted/destroyed."

## Scope of the case

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8. The complainant contacted the Commissioner on 10 April 2025 to complain about the way their request for information had been handled.
9. In addition, the complainant urged the Commissioner to consider conducting a broader regulatory review or compliance assessment under section 47 of FOIA into the general FOI performance of the OPCC.
10. The Commissioner considers that the scope of his investigation is to consider whether the OPCC handled the request correctly and whether it complied with section 1(1) of FOIA.

## Reasons for decision

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### Section 1 FOIA - determining whether information is held

11. Section 1(1) of the FOIA states:

"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."

If a public authority does not hold recorded information that falls within the scope of the request, the Commissioner cannot require the authority to take any further action.

12. In cases where there is a dispute as to the information held by a public authority, the Commissioner will use the civil standard of proof, i.e., the balance of probabilities. To determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a

public authority holds any information which falls within the scope of the request.

13. Accordingly, the investigation will consider the scope, quality, thoroughness, and results of the searches, and/or other explanations offered by the public authority as to why the missing information is not held.
14. The Commissioner will also consider any arguments put forward by the complainant as to why the information **is likely to** be held (as opposed to why it **ought** to be held).
15. Finally, the Commissioner will consider whether there are any further steps the public authority could be required to take if the complaint were upheld.
16. The complainant is convinced that the OPCC must hold some of the information requested because of the OPCC's role in setting the policing budget and holding Lancashire Police to account.
17. The complainant is of the view that the OPCC did not carry out a sufficiently detailed internal review and in particular finds frustrating the OPCC's argument in its internal review that " it would have assisted me to undertake a more robust search if the codename of the operation was known." It is the complainant's view that in light of this comment, the OPCC should have contacted Lancashire Police to find out the name of the Task Force which would then have assisted in the OPCC's search for information in scope of the request.
18. In response to the Commissioner's investigation, the public authority has explained to the Commissioner the searches it has carried out to try to find the missing information.
19. In addition, the OPCC explained that, despite having no obligation to do so under FOIA (as the information was not held at the time the request was made), it had contacted Lancashire Police for guidance on the existence of an operation code name to target further searches but no such code name was identified by Lancashire Police.
19. The OPCC has expressly stated to the Commissioner that no information in scope of the request has been destroyed or deleted.
20. The Commissioner is satisfied that thorough and adequate searches were carried out by the OPCC to determine whether any information within scope of the request was held. Furthermore, the Commissioner is satisfied that appropriate consultations took place with the relevant staff at the OPCC to try to locate the requested information.

23. The Commissioner has not been provided with any evidence by the complainant that the missing information has been deleted or destroyed by the OPCC.
24. The Commissioner has considered the complainant's position and the OPCC's explanation for not holding any information within the scope of the request.
25. On the balance of probabilities, the Commissioner is satisfied that the requested information is not held by the OPCC and that, therefore, it cannot be provided.
26. It is therefore the Commissioner's view that the OPCC has complied with its obligations under section 1(1) of FOIA in this case.

### **Other matters**

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27. The Commissioner notes the complainant's belief that the OPCC's general compliance with FOI merits closer observation by the ICO. The Commissioner can assure the complainant that the ICO carries out ongoing monitoring and enforcement work in respect of all public authorities.

## Right of appeal

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28. 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)

29. 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.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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