

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

### **Decision notice**

**Date:** 17 March 2025

**Public Authority:** Chief Constable of Cleveland Police  
**Address:** St Marks House  
St Marks Court  
Thornaby  
Stockton-on-Tees  
TS17 6Q

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

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1. The complainant requested information in respect of Operation Magnolia, Operation Sacristy, Operation Pandect and its associated operations. Cleveland Police originally informed the complainant that with the exception of Operation Magnolia, it did not hold relevant information. Following a request for an internal review, Cleveland Police informed the complainant that it was likely that it did hold relevant information and confirmed that it would contact them again following a thorough search of its records. After a considerable delay, Cleveland Police sent its amended response to the complainant with a breakdown of some of the information relevant to their request.
2. The Commissioner's decision is that Cleveland Police has failed to demonstrate that it has conducted a reasonable and proportionate search of its records to identify all information falling within the scope of the request.
3. The Commissioner requires Cleveland Police to take the following steps to ensure compliance with the legislation.
  - Conduct a fresh search for the requested information in respect of all specified Operations and either disclose the information or cite an appropriate refusal notice which complies with section 17 of the FOIA.

4. Cleveland Police must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## **Request and response**

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5. On 9 June 2024 the complainant wrote to Cleveland Police and requested the following information in respect of the police operations specified below:

- Operation Pandect
- Operation Sacristy
- Operation Resolute
- Operation Ardent
- Operation Seyton
- Operation Sturgeon

"...please provide the total cost of each of the police operations named above.

Please provide the total number of police officers/police staff that worked on each of the police operations named above.

Please provide how long each investigation took to complete each of the police operations named above.

Please provide me with the current cost of operation magnolia."

6. Cleveland Police responded on 8 July 2024. It stated that with the exception of Operation Magnolia, it did not hold relevant information. In respect of Operation Magnolia, it provided a table of overtime, expenses, and their total for each financial year from 2014-2015 up to and including 2023-2024.
7. The complainant expressed dissatisfaction with this response on the same date.

On 6 August 2024, Cleveland Police contacted the complainant confirming that it is likely that it holds more information than previously disclosed. Cleveland Police added that it would undertake a thorough

review of its records which would identify a greater level of information than that uncovered to date, although it could not guarantee that it would be disclosed under the FOIA. It informed the complainant that this may take some time, but confirmed that they would receive an update by 30 August 2024.

8. The complainant sent two reminders on 10 September 2024, and 6 December respectively.
9. Following an internal review, Cleveland Police wrote to the complainant on 9 January 2025, apologising for the delay and providing a table of totals for each year requested for the following operations:
  - Operation Pandect
  - Operation Resolute
  - Operation Ardent
  - Operation Seyton
  - Operation Sturgeon
10. Cleveland Police also informed the complainant that from the 2017-2018 financial year it has received Home Office Special Grant funding for Operation Pandect, which is the overarching name for the above operations. It confirmed that costs included in the Operation Pandect column relate to staffing costs for all operations which it collates for each year for a Home Office return. It added that prior to Home Office funding, staffing costs were not captured by incident as the operational codes were set up to capture non-pay and additional expenditure. Finally, it confirmed that the costs included for each of the operational headings are the non-pay/additional costs which are directly attributable to each operation.

## **Background**

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11. The Commissioner understands the background to Operation Magnolia as an investigation to determine:

"...whether there was evidence of physical or sexual abuse of children at two children's homes in Leicestershire. The allegations of abuse were mainly focussed on the actions of staff working within the homes. However, during the course of the Operation, two of the complainants –

JA-A19 and JA-A6 – also alleged that Lord Janner had sexually abused them when they were children.”<sup>1</sup>

12. Similarly, the Commissioner understands that:

“Operation Pandect is the overarching name for the investigations being undertaken by the historical investigation unit. The unit is funded by the Home Office, and was set up with a policing special grant to investigate 3 outstanding unsolved murder investigations, and also Operation Sturgeon which investigated a significant number of serious offences disclosed during the course of enquiries.”<sup>2</sup>

## Scope of the case

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13. The complainant originally contacted the Commissioner on 27 September 2024 to complain that they had not received Cleveland Police Authority’s full internal review. Following Cleveland Police’s full internal review of 9 January 2025, the complainant confirmed that they remain dissatisfied with its response on the following basis:

- The response only relates to the first part of their request.
- No information was provided in relation to how long each investigation took to complete.

14. The scope of the Commissioner’s investigation is to consider whether Cleveland Police has identified all relevant information it holds in respect of the complainant’s request and therefore whether it has complied with its obligations under section 1(1) of the FOIA.

## Reasons for decision

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### Section 1 – General right of access to information held

15. Under section 1(1) of the FOIA, in response to a request for information a public authority is only required to provide recorded information it holds and is not therefore required to create new information in order to respond to a request.

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<sup>1</sup> <https://assets.publishing.service.gov.uk/media/616d6fa2e90e0719771829db/Janner-IICSA-investigation.pdf>

<sup>2</sup> [Police Staff Investigator Level 2 - Historical Investigation Unit \(Ref 24-042\) - Cleveland Police - North East Jobs](#)

16. In his consideration of this case, the Commissioner is mindful of the former Information Tribunal's ruling in EA/2006/0072 (Bromley) that there can seldom be absolute certainty that additional information relevant to the request does not remain undiscovered somewhere within the public authority's records. When considering whether a public authority does hold any additional information therefore, the normal standard of proof to apply is the civil standard of the balance of probabilities.
17. The Commissioner's judgment in such cases is based on the complainant's arguments and the public authority's submissions, and where relevant, details of any searches undertaken. The Commissioner expects the public authority to conduct a reasonable and proportionate search in all cases.
18. Following confirmation from the complainant that they remain dissatisfied with the amended response to their request from Cleveland Police, the Commissioner contacted Cleveland Police on 6 February 2025 outlining the nature of the complainant's concerns and asking specific questions in respect of its searches for relevant information.
19. In particular, the Commissioner referred to the complainant's comments regarding a HMICFRS (His Majesties Inspectorate of Constabulary, Fire and Rescue Services) report entitled "Special Grant Review: Operation Pandect (incorporating Operations Resolute, Ardent, Seyton and Sturgeon)" published in November 2017.
20. In their request for an internal review, the complainant asked who had provided the information to the HMICFRS contained in the following extract from the report under the heading of "financial bid":

"Operation Pandect's structure has been defined but the different aspects of the operation will not progress simultaneously without sufficient funding. Over 96% of the projected cost relates to staffing. The projected annual cost is approximately £4.6 million, which comprises:

- salary costs, including overtime (£4.450,000); and
- Non-staff costs, such as transport, forensic costs and administrative costs (£150,000).

There is also an additional start-up cost of £30,000 to cover the purchase of equipment ..."

21. In respect of the resource requirement, the HMICFRS report stated:

"The total establishment of Operation Pandect at the time of our review was 24, which meant that the operation was not fully functioning and

was unable to progress lines of enquiry. The application is for special grant funding to support a total of 81 staff, comprising:

- 1 superintendent (SIO)
  - 4 inspectors
  - 7 sergeants
  - 68 constables
  - 1 analyst (support staff)
22. The complainant considers that it is very clear from the above extracts that Cleveland Police must hold a vast amount of information about these operations.
23. The Commissioner queried the complainant's comments that there is information contained in the report which suggests that Cleveland Police does hold relevant information in respect of items two and three of their request, (summarised below for ease of reference):
- item two requested the total numbers of police officers/police staff that worked on each of the specified Operations and,
  - item three asked how long each investigation took to complete.

The Commissioner asked Cleveland Police for details and evidence of the searches undertaken, and for it to respond specifically to the complainant's comments in respect of the extracts from the HMICFRS report.

24. The Commissioner also queried why Cleveland Police's internal review did not provide any data in respect of Operation Sacristy. (An investigation into corruption allegations at Cleveland Police).
25. The Commissioner received the full and final submissions from Cleveland Police on 9 March 2025 which provided details of its searches.
26. Cleveland Police informed the Commissioner that it conducted searches:
- "... across its electronic management systems where information of this nature would reasonably be expected to be held. These included:

Force-wide shared drives containing operational records and administrative documents.

The email archive system, searching for any relevant correspondence.

Case management systems, including those specifically used for operational reviews and investigations.

The records management system which logs formal records and documentation.

These searches were designed to retrieve any information relevant to the request..."

27. In respect of the search terms used, Cleveland Police confirmed that the searches included the specific operation names detailed in the request, and:

"Keywords associated with the nature of the inquiry, such as terms relevant to case reviews and related documentation."

28. Cleveland Police also confirmed to the Commissioner that the requested information could be held both in electronic records and in physical storage, with the latter primarily relating to older case files.
29. In terms of the Commissioner's queries regarding the retention and deletion of records, Cleveland Police informed the Commissioner that it does not hold records indefinitely, and that information may have been deleted or destroyed in line with its records management policies, but without a specific record of deletion, it cannot confirm whether any documents once existed and were subsequently removed.
30. It added that Cleveland Police maintains destruction logs for certain categories of records however, if information was deleted as part of routine system management and data retention processes, a specific destruction record may not exist.
31. Cleveland Police also informed the Commissioner that retention periods vary depending on the type of record.
32. In response to the Commissioner's query regarding what Cleveland Police's records management policy says about the retention and deletion of records of the type relevant to the request, it stated the following:

"Cleveland Police follows the statutory retention periods outlined in the Management of Police Information (MoPI) guidelines and the National Retention Schedule. If no specific retention period is defined, records are handled in a manner consistent with comparable data sets of a similar nature."
33. Finally, it informed the Commissioner that:

"...once a record no longer serves a policing purpose, it is disposed of in accordance with our policies."

### **The Commissioner's conclusion**

34. The Commissioner has considered the details of the searches outlined above and whilst it may have been both reasonable and proportionate in reality, he considers that the details provided are somewhat generic. For example, the electronic search lacks the specific detail he would have anticipated in terms of the systems searched and why they would be likely to hold relevant information.
35. Additionally, although Cleveland Police confirmed it used the names of the various operations specified in the request, its comment that it searched on "keywords associated with the nature of the inquiry ..." does not provide the type of detail the Commissioner would have expected in order for him to reach a considered decision.
36. Further, although Cleveland Police made reference to physical searches, it did not confirm whether this applied to any possible relevant information in this case, and if so, whether its searches included its physical records.
37. The Commissioner also considers the response from Cleveland Police in respect of retention and deletion of its records as lacking in the necessary detail. The Commissioner expected details of the actual retention and deletion time periods relevant to the specific information requested, as opposed to confirmation that it works with the MoPI guidelines and the National Retention Schedule.
38. The Commissioner is also mindful that Cleveland Police did not specifically address the Commissioner's query around the information contained within the HMICFRS report raised by the complainant, or the Commissioner's query around Operation Sacristy.
39. On the basis of the somewhat generic details of both its searches and retention periods, its failure to address specific questions around the HMICFRS report and Operation Sacristy, Cleveland Police has failed to demonstrate that it has conducted a reasonable and proportionate search of its records, and that further information relevant to the request is not held. On this basis, he has no option but to conclude that Cleveland Police has not complied with its obligations under section 1(1) of the FOIA.



## **Other matters**

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### **Internal review**

40. The Commissioner acknowledges that it is not a formal requirement for a public authority to conduct an internal review under the FOIA. However, the Section 45 Code of Practice recommends that public authorities do undertake an internal review and the Commissioner has also produced guidance in relation to this matter.
41. The code states that reviews should be conducted promptly and within reasonable timescales. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances. In no case should the internal review exceed 40 working days.
42. The Commissioner notes that the complainant requested an internal review on 8 July 2024, yet although Cleveland Police sent a holding response on 6 August 2024, it did not provide the outcome of its internal review until 9 January 2025. Further, although it apologised to the complainant for this delay, it offered no explanation.
43. The Commissioner expects Cleveland Police to deal with requests for an internal review within the recommended timescales in future.

## **Right of appeal**

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44. 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)

45. 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.
46. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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