



Altogether Better Policing

Information Rights and Disclosure
Digital Data and Technology Command
Police Headquarters
Aykley Heads
Durham
County Durham
DH1 5TT

Web Site: www.durham.police.uk

E-mail: freedomofinformation@durham.police.uk

Phone: 0191 3752582



**Request to Durham Constabulary under the Freedom of Information Act
Received on 15/04/2022 Our Ref: FOI/341/22**

Date: 18/05/2022

Your request:

Why, was he and the others in attendance not prosecuted?
What steps were taken to arrive at your decision not to prosecute Starmer and the rest of the group?
In light of the Met Polices actions recently, will you be retrospectively reviewing your decision and then applying the law to that group of individuals as have the Met police. To not apply the law in the same fashion as the Met will clearly identify a positive bias towards Mr Starmer and his associates.
NB, I will be copying this request to my local MP and to the minister in charge of policing. I look forward to receiving all information that supported your original decision and the justification for not prosecuting a clear breach of the rules!

Response:

As has been widely reported an investigation has commenced into the matter you refer to:

<https://www.durham.police.uk/News/News-Articles/2022/May/Durham-Constabulary-Press-Statement.aspx>

However in relation to your request, I can neither confirm or deny that any information regarding your request is held by Durham Constabulary. This is by virtue of Section 30 (3) (Investigations) of the Freedom of Information Act 2000.

Section 30 (3) Investigations

Section 30 (3) is a class based exemption, this exemption requires me to perform a Public Interest Test and describe harm that could be caused if the constabulary was to either confirm or deny that the requested information is held:

Harm

The harm in confirming or denying that the requested information is held would be that it could affect / hinder an ongoing police investigation.

Public interest in favour of confirming or denying the requested information is held:

It is acknowledged there is a public interest in this investigation.



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Investigations are funded with public money.

The public are entitled to know that Durham Constabulary is conducting investigations in an effective manner.

Public interest in favour of neither confirming or denying that the requested information is held:

This investigation is currently on going, to disclose **any** information (or even confirm if it is or isn't held) could affect and possibly hinder that investigation.

The greater public interest is that police investigations should be allowed to continue unaffected and unhindered by any release of information (or to confirm or deny specific information is held)

Balancing Test

As this is currently an active / open investigation, the public interest balance has fallen in favour of not confirming or denying that any information is held in relation to your request.

An ongoing investigation must be allowed to continue unhindered.

CONCLUSION

This Section 17 (1) FOI Refusal Notice does not confirm or deny that Durham Constabulary holds the information that you have requested

Please note that Durham Constabulary's response to your request is unique and should not be used as a comparison with any other Force response you receive.

COMPLAINT RIGHTS

Your attention is drawn to the below link to our website, which details your right to complain:

[Freedom of Information Requests \(contensis.com\)](http://www.contensis.com)

If you have any further enquiries concerning this matter, please write or contact me on the above telephone number.

I hope this is of assistance to you.

Yours sincerely
Freedom of Information Decision Maker
Information Rights and Disclosure Unit