



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](http://www.durham.police.uk)

E-mail: [freedomofinformation@durham.police.uk](mailto:freedomofinformation@durham.police.uk)

Phone: 0191 3752582



**Request to Durham Constabulary under the Freedom of Information Act  
Received on 09/05/2022 Our Ref: FOI/451/22**

**Date: 09/06/2022**

Your request:

In relation to investigations into Mr Cummings and Sir Kier, I would be grateful if you could provide details of correspondence, conversations and any other communications and representations Durham Police has had from/with:

Government ministers, civil servants, special advisors or other such personnel associated with the government or who might be considered as acting as interested parties on behalf of the Conservative Party and/or the government.

**Response:**

**Durham Constabulary can neither confirm nor deny that it holds any information relevant to your request as the duty in Section 1 (1) (a) of the Freedom of Information Act 2000 (FOIA) does not apply by virtue of the following exemptions under the Freedom of Information Act 2000:**

Section 30 (3) Investigations

Section 31 (3) Law Enforcement

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**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.

Please follow below link to access Durham Constabulary's (The Force's) press statement issued on the 6<sup>th</sup> May 2022 regarding the confirmation of the commencement of an investigation:



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<https://www.durham.police.uk/News/News-Articles/2022/May/Durham-Constabulary-Press-Statement.aspx#:~:text=Durham%20Constabulary%20Press%20Statement%20Posted%20on%20Friday%206,gathering%20in%20Durham%20City%20on%20April%2030%202021.>

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

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

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 ongoing, to disclose **any** information (or even confirm if it is or isn't held) could affect and possibly undermine 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.

### **S.31 (3) Law Enforcement**

Section 31 (3) is a prejudice-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.



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

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

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 ongoing, to disclose **any** information (or even confirm if it is or isn't held) could affect and possibly undermine that investigation and subsequently reduce Durham Constabulary's Law enforcement capabilities.

To confirm or deny any information is held in relation to your request would in essence by disclosing evidence that may or may not be held in relation to a live investigation, this would undoubtedly affect the law enforcement capabilities of Durham Constabulary.

### **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.

It is also in the Public Interest that Durham Constabulary maintains its Law Enforcement capabilities.

### **CONCLUSION**

**This Section 17 (1) FOI Refusal Notice does not confirm or deny that Durham Constabulary holds the information that you have requested, and this decision is in no way an indication that the information requested is or is not held by the force.**

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.durham.police.uk/contensis)



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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