



*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 10/05/2022 Our Ref: FOI/460/22**

**Date: 08/06/2022**

Your request:

1. Did Gov ministers or conservative MP's contact Durham police in relation to decisions whether or not to investigate Dominic Cummings?
2. If ministers or MP's did make contact, what response did Durham police send back. I'd like copies or transcripts please.
3. What correspondence did Durham police receive from Gov ministers and Tory MP's in relation to the decision to investigate Labour and Keir Starmer.
4. How did Durham police respond to these requests.
5. Why has Durham police changed its earlier policy (used in Cummings case) of not investigating covid breaches retrospectively.
6. I would like a copy of Durham's policy on retrospective covid charging and if this has been updated so Durham DO have a policy to investigate retrospectively, I'd like a copy of that too.
7. I have asked for Durham police to investigate Boris Johnson's campaigning in Hartlepool in April 2021 when he was behind a bar pulling pints without a mask and not socially distancing. I'd like any records or transcripts Durham police have as to why they are not investigating this breach.
8. What did Durham police do with the file of paperwork Nazis Azfal sent to them about Cummings breaches of the law? Why was this not investigated?
9. It seems to me that Durham police have allowed Ministers/MP's to pressure them NOT to investigate Cummings and have let them pressure them TO investigate Starmer. I would like to see all documents and incoming call records to Durham police from ministers and Tory MP's in the last 2 years. And outgoing from Durham to ministers and MP's.
10. I would like to know what contact Durham police have had with the Met Police. As I understand the Met is NOT investigating the Downing Street cheese and wine party as they accepted staff (including Johnson's wife!) were eating and drinking while talking about work. If Durham police choose to fine Starmer I want to see documentation that sets out why Johnson can eat and drink while talking about work but Starmer and Labour can't.



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## **Response:**

**Question 5 – This is not a valid question (as per Section 8 (1) (c) of the Freedom of Information Act 2000 as it is asking for opinion rather than recorded information**

**Question 6 – No information is held**

**In relation to questions 1, 2, 3, 4, 7, 8, 9, 10 (Please note regarding question 7, Hartlepool is covered by Cleveland Police)**

**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 40 (5) Personal Information

Section 30 (3) Investigations

Section 31 (3) Law Enforcement

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### **S.40 (5) Personal Information.**

Durham Constabulary (the Force) neither confirms nor denies that it holds the personal information you have requested as the duty in Section 1(1) (a) of the FOIA (General Right of Access) does not apply by virtue of either the Section 40 (5A) & Section 40 (5B) (a) (i) FOIA (Personal Information) exemption.

A Freedom of Information request is not a private i.e., a one-to-one disclosure. Both the request itself, and any information disclosed, are considered suitable for open publication i.e., can be published on the Force's external website. This is because, under FOIA, any information disclosed is released into the wider public domain, effectively to the world at large and not just to one individual i.e., the person who made the FOI request.

To confirm or deny whether personal information exists in response to your request under FOIA, could publicly reveal information about third-party individuals, thereby breaching the right to privacy afforded to ALL persons under the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR).



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If you are requesting third party personal data, Durham Constabulary must ensure that it complies with the fair processing Principles outlined under section 34 of the DPA 2018 and under Article 5 of the GDPR and in the main will only release third party information to another person, via a Court Order.

### **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**

Although the information relates to individuals who carry out a public facing role, the Police Service would never confirm nor deny whether any individual has or has not provided information to the Police Service

To confirm or deny this would deter members of the public and public officials from providing information to the police in future investigations due to the fear that their involvement could be disclosed at a future date.

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

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

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:**

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**



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All future investigations must be allowed to continue without witnesses / victims being concerned that their assistance would be confirmed or denied.

In this instance the balancing test is in favour of neither confirming nor denying that the requested information is held

### **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**

To confirm or deny that any individual had provided information to the Police Service would undermine any confidence the public has in the Police Service in regards that information is dealt with appropriately and confidentially

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

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

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:**

To confirm or deny any information is held in relation to your quest would in essence be disclosing evidence that may or may not be held in relation to a historic investigation this would undoubtedly affect the law enforcement capabilities of Durham Constabulary as it would deter persons from providing information to the police regarding future investigations.

#### **Balancing Test**

It is also in the Public Interest that Durham Constabulary maintains its Law Enforcement capabilities by not confirming or denying that any individual had provided information to Durham Constabulary.



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## **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)

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