

Thank you for your request for information under the Freedom of Information Act (FOIA) (below). You requested information following a previous FOIA finalisation headed 'Operation Barium' and dated 11th May where it was indicated that Mark Gilmore had instigated civil proceedings against the PCC.

I can provide the following information in response in your questions:

1. The name of the court in which proceedings were issued.

An application has been made to the Administrative Court (Queen's Bench Division) in the High Court of Justice.

2. The type of claim issued.

The claim is for a Judicial Review.

3. A copy of the claim form.

Please see attached.

4. A copy of the statement of grounds

Please see attached.

5. A copy of the defence, including summary grounds

Please see attached.

6. A copy of the reply to defence (if any).

Please see attached.

7. A copy of any orders made by the court including notice of hearings.

Please see attached.

An exemption is being claimed in respect of your questions 3, 4, 5, 6 and 7. Further details are attached.

The Office of the Police and Crime Commissioner (OPCC) has an obligation under Section 16 of the FOIA to provide advice and assistance to people making requests for information. I can advise you that the information that you seek is held by the Court and may be available by application directly to the Court. You can contact the Court by email at the following address:

<mailto:administrativecourtoffice.generaloffice@hmcts.x.gsi.gov.uk>

or by telephone on: 020 7947 6655

I trust that you are satisfied with the way your request has been handled, however, I am attaching the OPCC appeal procedure should you wish to request an internal review.

Information relating to the claim, statement of grounds, defence (including summary grounds) and reply to the defence has not been disclosed because we consider that an exemption applies.

Section 17 of the FOIA requires a public authority relying on an exemption to:

- (a) State the fact.
- (b) Specify the exemption, and
- (c) State why the exemption applies.

The information that you have requested is exempt from disclosure by virtue of Section 32 'Information Contained in Court Records'.

Section 32 states that:

1. Information held by a public authority is exempt information if it is held only by virtue of being contained in:
  - (a) Any document filed with, or otherwise placed in custody of, a court for the purposes of proceedings in a particular cause or matter.
  - (b) Any document served upon, or by, a public authority for the purposes of proceedings in a particular cause or matter, or
  - (c) Any document created by
    - (i) A court, or
    - (ii) A member of the administrative staff of a court, for the purposes of proceedings in a particular cause or matter.

Section 32 applies to your request because the information you seek was created purely for the purposes of court proceedings.

Section 32 is an absolute exemption and does not require a public interest or prejudice test.