

22.03.2024	The National Archives, Kew, Richmond, Surrey TW9 4DU	THE	
Internal Review: CAS-166492-H4T3K2 et al.		NATIONAL	
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Dear Professor Tim Crook,

Internal Appeal Request CAS-166492-H4T3K2 et al. Review of complaint about access decision under the Freedom of Information (FOI) Act 2000; Appeal by Professor Tim Crook against The National Archives' (TNA's) decision (CAS-130818-S1H1P6 et al.) that information in the following files constitutes exempt information under the FOI Act:

MEPO 2/10438 - Unsolved murder of Dr Richard CASTILLO at Albert Studios, Bridge Road, Battersea SW11 on 7 May 1961

MEPO 2/10439 - Unsolved murder of Dr Richard CASTILLO at Albert Studios, Bridge Road, Battersea SW11 on 7 May 1961: further reports and laboratory papers

MEPO 2/10440 - Unsolved murder of Dr Richard CASTILLO at Albert Studios, Bridge Road, Battersea SW11 on 7 May 1961: original statements

MEPO 2/10441 - Unsolved murder of Dr Richard CASTILLO at Albert Studios, Bridge Road, Battersea SW11 on 7 May 1961: index to statements, typed statements and completed questionnaires of Malta League members

Summary of Findings

The purpose of an internal review is to consider whether the requirements of the Freedom of Information Act (2000) have been fulfilled with regards to your original information request. The scope of the review is defined by Part VI of the Code of Practice under section 45 of the Freedom of Information Act¹.

In accordance with TNA's FOI appeals procedure, your complaint, received on 9th January 2024, was passed to me as FOI Manager to review. I reviewed the way your original request was handled to satisfy myself that all correct processes were applied.

Upon conclusion of my investigation the decision of non-disclosure under the exemption previously relied upon, sections 31 (1)(b)(c), 38 (1)(a) and 40 (2), are upheld for the information within these records. Please see below for more detailed information on your appeal.

Review of handling

Submitted on 27th June 2023, your original request was identified as a request for access

¹ [Section 45 – Code of Practice, request handling | ICO](#)

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to closed information and was forwarded to the FOI Centre. Under section 1 of the Freedom of Information Act 2000 you have two rights of access:

- (a) to be informed [...] by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to [you]

In meeting their obligations under section 1 of the Freedom of Information Act 2000, an authority must inform the requester of any decision (section 17 refusal notice) within the timeframes set out in section 10 (time limits) of the Act.

The National Archives occupies a unique position within the Freedom of Information Act legislation, as we are required to consult with other government departments before processing requests for access to closed information held within the archives. In relation to the time we are given for compliance, section 10(4) of the Freedom of Information Act specifies that The National Archives be granted additional time to process such requests in order to allow for this obligatory consultation period, as explained at the following link: <http://www.legislation.gov.uk/uksi/2004/3364/regulation/4/made>.

Currently this additional processing period constitutes another 10 working days. In the handling of your original request, we notified you of this allowance in our email 26th July 2023.

As required by section 66 of the FOI Act, TNA consulted with the responsible department, the Metropolitan Police Service. In line with guidance from the Information Commissioner’s Office (ICO) on FOI exemptions, the FOI Centre judged the requested information to be exempt information by virtue of sections 38 (1)(a), 31 (1)(b)(c) and 40 (2) of the FOI Act.

Sections 38(1)(a) and 31 (1)(b)(c) are qualified exemptions, and as such there is a requirement to carry out a public interest test (PIT) to determine the balance of the arguments in favour of disclosure and non-disclosure. The PIT process is a rigorous one for historical files at TNA. For transferred public records (section 66 (4) of the FOI Act) the application of the PIT (and, for non-class-based qualified exemptions, the prejudice test), is determined by the responsible authority (in this case the Metropolitan Police Service) as the experts on the type of information contained in the files and not the records authority (TNA).

The Advisory Council on National Records and Archives (ACNRA), who consider the use of the qualified exemptions and public interest test arguments, independently evaluates this process via what we refer to as FOI Panels. Panels are comprised of three members of the ACNRA, who are asked to consider cases. The PIT considerations are provided to

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the Panel by the department who transferred the record (not by The National Archives). The Panel may then ask questions about the application of the exemption and/or query any aspect of the case with the transferring department and The National Archives.

Once the Advisory Council has been consulted, the Secretary of State is provided with their comments and recommendations along with the transferring departments' public interest test arguments. As part of Section 66 of the FOIA, TNA is required to consult with the Secretary of State on the application of qualified exemptions. This is outlined on legislation.gov.uk and you can read more here: [Freedom of Information Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk)

The Secretary of State's decision about whether the exemption is justified is finally communicated to the FOI Assessor handling the case, who then informs the requester in writing. In cases such as this one, where the information involves the consideration of qualified exemptions and complex public interest test considerations, the process can be lengthy.

Following ICO guidance² that there is provision for public authorities to claim a reasonable extension beyond 20 working days where it needs more time to consider the public interest test, The National Archives takes a 'reasonable' amount of time for a case with a qualified exemption to be 70 working days. The period of time elapsing from the submission of your request to the date of your final response was 110 working days and Therefore, TNA's completion of this case cannot be considered 'timely': This case did take an unreasonable amount of time and I apologise for any inconvenience caused by the delay in providing you with a final response to your request.

TNA informed you of the outcome of this test in the section 17 refusal notice 22nd November 2023 and explained that the requested information was exempt information by virtue of sections 38(1)(a), 31 (1)(b)(c) and 40 (2) of the FOI Act.

Application of the Exemptions

1. Section 31(1)(b)(c) Exemption: (Law Enforcement)

Section 31(1) of the FOI Act exempts information if its disclosure would, or would be likely to, prejudice –

- b) the apprehension or prosecution of offenders
- c) the administration of justice

² <https://ico.org.uk/media/1165/time-for-compliance-foia-guidance.pdf>

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For this exemption to be engaged it is necessary to prove that disclosure would involve a level of harm. The harm/prejudice test for this exemption involves the consideration that release would put at risk law-enforcement matters, including arresting or prosecuting offenders, and the proper administration of justice.

In consultation with the Metropolitan Police Service during your initial FOI request, The National Archives and the Metropolitan Police Service determined that the release of the requested material *'would'* prejudice the aforementioned law enforcement activities. However, as part of this Internal Review, TNA has reviewed this and now believes that the correct likelihood of prejudice is that release *'would be likely'* to cause prejudice, as it is not possible for TNA to provide specific evidence demonstrating a link to this prejudice (i.e. we cannot *definitively* state that the publication of this material would lead to the prejudice of a future investigation). However, given that the records contain details of the original investigation, the 'likely harm' which could be caused by disclosure is believed to be significant in this particular case.

Section 31(1)(b)(c) is engaged for all the information within the requested records because it directly relates to evidence about a crime that remains unsolved. The majority of the information in these records would not have previously been in the public domain; as such the Metropolitan Police Service would desire that the details of the investigation remain confidential for the lifetime of suspects.

In *TNA vs. ICO* (April 2007), the Information Commissioner explained in Decision Notice [FS50079972](#):

It is impossible to distinguish information that could be critical to any future investigation and prosecution from information that might not be... All the material that comprises this case file may potentially have some future significance.

This file contains police reports, correspondence and hundreds of witness statements relating to relevant events and potential suspects regarding the murder of Dr Richard Castillo. It is not possible to identify particular information that could be released into the public domain without the risk of compromising any future police actions. Information that appears innocuous may have significance to an experienced investigator that is not immediately obvious to the lay reader; or may assume a new significance in the light of newly discovered evidence or developments in forensic or investigative techniques.

It is acknowledged that it is extremely difficult when considering any unsolved case as to the 'significant likelihood of future investigation' as it cannot be predicted what information or evidence may come to light in the future that would generate a renewed

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investigation. Increasingly, however, police services throughout the country are setting up 'cold case' teams to review their case files on unsolved murders. The National Archives has previously provided case papers to police services in order to assist with enquiries into unsolved murders from as far back as the 1940s. In considering this exemption, we therefore have to acknowledge that there does remain a possibility, however remote, that this case could be reinvestigated in the future and that the information contained in the record could be significant to it.

As a result, section 31(1)(b)(c) has been applied to all of the information in this file, as we are unable to identify (and therefore redact) particular information that might be released into the public domain without the risk of compromising any future police actions.

When handling Freedom of Information requests, we are required to be both motive and applicant blind, which means that if we identify that an exemption is engaged, we must follow the procedure of applying the exemption as outlined by the Act. Where section 31(1)(b)(c) is applied we are required to carry out a public interest test (as explained above) to consider whether the balance of the public interest lies in favour of maintaining the exemption or in favour of releasing the information. These public interest arguments were outlined to you in our final response to you, sent on 4th December 2024.

The purpose of this exemption in this instance is to protect details that could be used in a future investigation should a suspect be identified, charged and brought to trial. There is not a requirement for the case to be currently under investigation to apply this exemption. The ICO guidance on section 31 explains that:

"The public interest in protecting the integrity of an investigation is likely to be strongest whilst the investigation is ongoing. This is because that is when disclosure is likely to have the most harmful effects (such as giving a suspect the opportunity to destroy or conceal evidence). The public interest in maintaining the exemption is likely to fall once an investigation has concluded, the results are made public and any proceedings which arise out of the investigation are completed.

However, even after an investigation has concluded, there may still be a public interest in preventing the disclosure of information. This applies if that disclosure could make such investigations more difficult to conduct in future...³"

This case could still be re-opened and therefore, premature release of information now

³ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-31-law-enforcement/how-should-we-apply-the-public-interest-test/?q=live>

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would be likely to prejudice the apprehension or prosecution of offenders and the administration of justice. In relation to a different unsolved murder case, the decision notice for FS50650734 explains that “the Commissioner does consider that there is a strong public interest in not disclosing information which would be likely to impede the Metropolitan Police Services’ ability to carry out its lawful duties effectively. Therefore, disclosing information which would be likely to frustrate the ability to carry out these lawful duties, should any or all of these cases be reopened for any reason, this would not be in the public interest⁴.” We find that similar arguments are also relevant to these records.

Having reviewed and reconsidered the arguments, it is my view that the original decision was correct. The premature release of this information into the public domain would be detrimental to any future investigation and subsequent prosecution. To release significant information which would potentially jeopardise a future prosecution for murder would not be in the public interest. Therefore, it has been determined that the risk of prejudice outweighs the reasoning for disclosure in this specific case and the exemption at section 31(1)(b)(c) of the Freedom of Information Act applies to the information.

You can find more information about the section 31 exemption here:

<https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-31-law-enforcement/>

2. Section 38 Exemption (Health and safety)

I am satisfied that some of the information in this file is correctly exempt from disclosure under section 38 (health and safety exemption) of the Freedom of Information Act (2000). This exempts information from disclosure if that disclosure would, or would be likely to, endanger the physical or mental health of any individual⁵.

For section 38 to be engaged, it is necessary to show that disclosure would involve a level of harm. The harm/prejudice test for this exemption involves the consideration of the risk that mental endangerment of an individual *would* or *would be likely to occur*⁶. Section 38(1)(a) (health and safety exemption) is engaged for this file as it contains information which *would* cause the level of distress as described above. The release of this information *would likely* endanger the mental health of surviving relatives of the victim

⁴ <https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2014505/fs50650734.pdf> - Paragraph 36

⁵ <https://www.legislation.gov.uk/ukpga/2000/36/section/38>

⁶ https://ico.org.uk/media/for-organisations/documents/1214/the_prejudice_test.pdf

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and other individuals involved in the investigation and their surviving relatives.

In consultation with the Metropolitan Police Service during your initial FOI request, The National Archives and the Metropolitan Police determined that the release of the requested material *'would'* significantly distress the surviving relatives of the victim, as well as other individuals involved in the investigation and their surviving relatives. However, as part of this Internal Review, TNA has reviewed this and now believes that the correct likelihood of prejudice is that release *'would be likely'* to cause prejudice, as it is not possible for TNA to provide specific evidence demonstrating a link to this endangerment (i.e. we cannot *definitively* state that the publication of this material would lead to certain individuals viewing this material and being distressed to the extent that their mental health is endangered). However, given that the records contain detail of the murder of the victim and details of the injuries sustained, the 'likely harm' which could be caused by disclosure is believed to be significant in this particular case.

While it is difficult to provide specific evidence demonstrating a link to this endangerment, The National Archives utilises former Information Commissioner Decision Notices relating to 'likely' harm being caused as guidance. For example, in [ICO Decision Notice FS50657465](#), the Commissioner concluded that section 38(1)(a) was engaged on the basis that the risk of endangerment was substantially more than remote.

These records contain material which is likely to be highly distressing for the aforementioned individuals. The material includes detailed descriptions of the crime scene, the body of the victim and details of the victim's death found within police reports and witness statements. Release of this material after this length of time could be considered to have a similar effect as if releasing the information into the public domain at the time of the incident and could therefore be traumatic for the aforementioned individuals. In order to protect them from such mental anguish, maintaining the closure of the file is necessary. Additionally, the file contains sensitive information pertaining to other individuals. Release of this information would also be likely to be distressing for individuals named within the file and their surviving relatives.

The public needs the reassurance of knowing that FOI access rights are not going to be allowed to be exercised to their detriment. We must continue to protect public confidence that victims' and defendants' families are allowed to be given privacy. To release information, which potentially exposes members of the public to a risk of mental endangerment, would not be in the public interest.

Therefore, it has been determined that the risk of endangerment outweighs the reasoning for disclosure in this specific case and the exemption at section 38(1)(a) of the

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FOI Act applies to this information in the file.

Please see here for more information about the section 38 exemption on the Information Commission's Office website:

<https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-38-health-and-safety/>

3. Section 40 Exemption (Personal Data)

I am satisfied that the information in the file is the personal data of presumed to be living identifiable individuals and is therefore also exempt from disclosure by section 40(2) (by virtue of section 40 (3A) personal data exemption) of the Freedom of Information Act (2000).

This exemption states that personal information is exempt from disclosure if revealing it would breach the terms of Data Protection Legislation. Data Protection Legislation prevents the release of personal information if it would be unfair or at odds with the reason why it was collected, or where the subject had officially served notice that releasing it would cause them damage or distress. Personal information must be processed lawfully, fairly and in a transparent manner as set out by Art. 5 of the General Data Protection Regulation (GDPR).

The Guide to Archiving Personal Data 2018

It is standard government practice to assume that an individual is still living if they would not yet have reached the age of 100. Where an individual's date of birth is not specified in a file, it is estimated and the 100-year principle applies.

The [Guide to Archiving Personal Data 2018](#) (see p.31) provides guidance on how personal information should be treated if it is not known whether individuals are deceased:

Lifespan assumption

Given the large number of individuals commonly featuring in archive collections, archive services will not be in a position to ascertain whether they are still alive. If it is not known whether a data subject is alive or dead, the following working assumptions can be used:

- Assume a lifespan of 100 years
- If the age of an adult data subject is not known, assume that they were 16 at the time of the records

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• *If the age of a child data subject is not known, assume person was less than 1 at the time of the records*

If the individual is known to be more than 100 years old and still living then compliance with data protection law is still required. They are entitled to make a subject access request or to exercise any of their other rights.⁷

Once the 100-year principle is applied to this file, there is the possibility that identifiable individuals could potentially still be alive and thus any release into the public domain could cause significant upset or distress to them. It is conceded that this approach may seem overly cautious; however, we must continue to protect public confidence that individuals and their families are allowed to be given privacy.

In considering the release of personal data under the terms of the Freedom of Information Act, one must also consider whether processing this information would breach any of the data protection principles. For The National Archives it is the first principle (a) that is the most crucial in determining whether personal data can be released:

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject

In this case, the exemption applies because the file contains the personal data of hundreds identifiable individuals reasonably assumed still to be living, including names, home addresses, unsubstantiated allegations of criminal activities, medical data and details of their personal and private family lives. The manner in which the information was collected and its intended purpose makes it highly personal in nature. As a result, there would be a legitimate expectation from the individuals identified that their personal information would not be released into the public domain during their lifetimes.

Owing to the fact that these individuals have a reasonable expectation of privacy, disclosure of their names and other personal details would be unfair and a breach of the first data protection principle (a); *“personal data shall be processed lawfully, fairly and in a transparent manner”*. Such information has been withheld in the interests of fairness to the individuals named and identifiable from the information held within the above file. Section 40(2) is an absolute exemption and therefore we are not required to carry out a public interest test.

⁷ <http://www.nationalarchives.gov.uk/documents/information-management/guide-to-archiving-personal-data.pdf>

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Special Category Data

Within the record is information defined by the UK GDPR as ‘special category data’, which is personal data that is more sensitive and therefore requires more protection⁸. This information falls within the following special category of personal data:

- Health data

To release special category data regarding individuals’ health could create more significant risks to a person’s fundamental rights and freedoms. These individuals would have a reasonable and legitimate expectation that this information would not enter the public domain within their lifetimes.

In assessing whether the release of special category data is fair and lawful under Data Protection Legislation, a lawful basis under Article 6⁹ (UK GDPR) and a separate condition for processing special category data under Article 9¹⁰ must be identified.

Generally, as eight of the ten conditions under Article 9 concern disclosure for a stated purpose there would only be two conditions that are relevant; condition 9(2)(a), the explicit consent of the data subject, and condition 9(2)(e), the data subject themselves having published the information. As there is no evidence that either instance has happened, it has been determined that no such conditions have been met in this case.

Criminal offence data

There are separate safeguards for personal data relating to criminal convictions and offences¹¹. In order to process personal data about criminal convictions or offences, there must be a lawful basis under Article 6 of the UK GDPR and either the authority to process the data in an official capacity or processing must meet a specific condition in Schedule 1¹² of the DPA 2018. The following information in the file falls into these categories of personal data:

⁸ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/>

⁹ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

¹⁰ [https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/what-are-the-conditions-for-processing/#:~:text=research%20and%20statistics-\(a\)%20Explicit%20consent,UK%20GDPR%20standard%20for%20consent](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/what-are-the-conditions-for-processing/#:~:text=research%20and%20statistics-(a)%20Explicit%20consent,UK%20GDPR%20standard%20for%20consent)

¹¹ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/criminal-offence-data/>

¹² <http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/part/3/enacted>

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- Details concerning criminal allegations against named individuals.

Most of the conditions set out in Schedule 1 concern disclosure for a stated purpose and, thus, only two conditions could be considered relevant in this instance: the condition at section 29 (the consent of the data subject), and the condition at section 32 (the data subject had made the data public themselves). As there is no evidence that either instance has happened, it has been determined that no such conditions have been met in this case.

To release criminal offence data would be unfair and would be likely to cause damage or distress. These individuals would have a reasonable and legitimate expectation that such sensitive information would not enter the public domain within their lifetime.

Consequently, with respect to the first principle of the Data Protection Act (2018), it is the view of The National Archives that to release information from this file would constitute a breach of this Act. As disclosure of this information would be in breach of the first data protection principle it is considered exempt under section 40(2) (by virtue of section 40 (3A) personal data exemption) of the Freedom of Information Act 2000

Please see here for more information about the section 40(2) exemption on the Information Commission’s Office website:

<https://ico.org.uk/media/for-organisations/documents/1213/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf>

Advice and Assistance

Please find below our response to the comments/queries you made when you submitted your request for an internal review.

Redaction

It is standard practice for TNA to consider whether it is possible to redact documents to allow for the partial release (anonymisation) of information, and redaction is indeed frequently undertaken to facilitate this at the close of FOI requests.

However, not all cases lend themselves to redaction because of both the volume of personal data and the range of identifiers within documents that could potentially – if not all removed or the wrong ones removed – lead to re-identification. Where TNA cannot be sure if anonymisation is achievable we have to take the line that this information remains sensitive and should be withheld. In order to achieve and maintain this we make a careful assessment of the material to ensure any consideration of redaction is balanced between the need to be transparent and the need to protect

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individuals' rights (i.e. privacy).

Given the volume of redactions which would be necessary for this record, its redaction would considerably limit the understanding of the remaining information within the record.

As outlined by the ICO in a previous Decision Notice, *FS50816067*: *'Due to the nature of the information and how it is presented, there is almost nothing written in the file from which individuals could not be identified by name, or by reference to another identifying feature such as address, employment or, potentially, prior conduct and ongoing patterns of behaviour. In [The Commissioner's] view, it would not be possible to anonymise the file and leave anything meaningful for disclosure'*¹³. Indeed, given that the overwhelming majority of the file is to be closed under sections 31(1)(b)(c), 38(1)(a), and 40(2), TNA is of the view that, considered as a collected body of information, the public interest would, on balance, be best served by the continued closure of the file in its entirety.

Section 38 – engaged for any individual:

Information within this file is closed under section 38 (1)(a) for the consideration of the surviving relatives of victim and other individuals involved in the investigation and their surviving relatives. However, when engaging FOI exemptions, TNA follows the guidance of the Information Commissioner's Office (ICO) as the regulator of the FOI Act. The [ICO guidance](#) on the application of section 38(1)(a) states that *Section 38(1)(a) focuses on endangerment to any individual's physical or mental health [...] The use of the phrase "any individual" in section 38 includes any specific individuals, any member of the public, or groups within society*¹⁴. Consequently, TNA engages section 38(1)(a) for information which we believe would be likely to endanger any individual's mental health.

FOIA – a public access regime:

Under FOI, disclosure of information is to the world at large and therefore "the requester's private interests are not in themselves the same as the public interest and what may serve those private interests does not necessarily serve a wider public interest"¹⁵. In the ICO Decision Notice [FS50520884](#) the Commissioner explains that "disclosure under the FOIA is not discretionary and must be suitable for one and all".¹⁶

¹³ <https://ico.org.uk/media/action-weve-taken/decision-notices/2019/2615784/fs50816067-1.pdf>

¹⁴ <https://cy.ico.org.uk/for-organisations/foi-guidance/section-38-health-and-safety/>

¹⁵ Paragraph 13 - https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf

¹⁶ Paragraph 34 - https://ico.org.uk/media/action-weve-taken/decision-notices/2014/972340/fs_50520884.pdf

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Information in the public domain:

I accept that there is already a substantial amount of information on this case available in the public domain. However, the existence of information in the public domain relating to this case does not outweigh the public interest in protecting the rights and freedoms of individuals identified within the files. As outlined in TNA's paper on ['Information in the Public Domain'](#):

"In the criminal field there are several websites and books that speculate on the detail of crimes and the motives of those involved: this does not warrant the release of all the circumstances of a crime including those details that may damage the mental health of a victim's immediate family (scene of crime photographs)..."

TNA's decision is based entirely on the contents of the files, and whether any of the information is exempt from disclosure using the categories defined in the Freedom of Information Act (2000). Although there is a substantial amount of information relating to this case in the public domain such open sources of information would not contain the same level of detail as this record, which contain detailed accounts of the case, and personal information about the witnesses and other people involved in the investigation.

To release such personal information may cause the aforementioned individuals damage and distress. Thus some of the information within this record potentially remains as sensitive as at the time of the investigation and it would be greatly unfair to these individuals to disclose this information. As a result there would be a legitimate expectation from the individuals identified that their personal information would not be released into the public domain during their lifetimes.

I appreciate the detailed email you have provided, in your original submission and internal review request, outlining your arguments for why you believe that these records should not be withheld under sections 31 (1)(b)(c), 38 (1)(a) and 40 (2). Unfortunately, I cannot comment on the handling of the investigation and can only focus on the records, their contents and our obligations under the Freedom of Information Act.

I hope the above explanation has helped to explain why The National Archives, in consultation with the Metropolitan Police Service, have determined that these records should be withheld in full under sections 31 (1)(b)(c), 38 (1)(a) and 40 (2).

Conclusion

I should like to take this opportunity to inform you that The National Archives takes its Freedom of Information responsibilities very seriously. Each information request is

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handled and investigated on a case-by-case basis. In this case, and indeed in all cases we study, we apply objective reasoning to research and response.

I am satisfied at the conclusion of this review that the information was correctly withheld by way of the exemptions at sections 31 (1)(b)(c), 38 (1)(a) and 40 (2) of the Act.

Whilst I am satisfied that you were provided with clear information in regards to the progress of your request, the time taken to conclude your request exceeded our usual expectations and we did not comply with the timeframes set out in section 10 of the Act. We apologise for this.

The National Archives' Internal Review process has now been completed.

Should you wish to contact the Information Commissioner to investigate any aspect of your appeal please do so using the following contact details;

Information Commissioners Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF,

Yours sincerely,

FOI Manager
Freedom of Information Centre
Public Access and Government Services
The National Archives