

Dear Professor Tim Crook,

Thank you for your enquiry of 27/06/2023 regarding a review of:

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

Having considered the public interest test we have decided that this information should be withheld. I regret to say this means we cannot make these records open to you or to the public in general.

I previously explained that some of the information in these records is covered by **sections 38(1)(a) and 31(1)(b) and (c)** of the Freedom of Information Act 2000. **Section 31(1)(b) and (c)** exempts information if its disclosure under this Act would, or would be likely to, prejudice (b) the apprehension or prosecution of offenders or, (c) the administration of justice. **Section 38(1)(a)** exempts information if its disclosure under this Act would, or would be likely to (a) endanger the physical or mental health of any individual.

A public interest test was considered in consultation with the Metropolitan Police Service. The outcome of which is as follows:

Arguments made in favour of disclosure

Disclosure of information contained within this record would provide evidence of how the police investigate serious crime, in this instance a murder that remains unsolved.

As the police service is a public service it is in the common interest that information that demonstrates how the police perform across the range of their duties is made available. Particularly in cases of crime where there is public concern, such as murder, there exists an interest in disclosing information about the police conduct of the investigation. Such disclosure would reassure the public, inspiring their confidence and co-operation whilst engendering a sense of well-being.

Arguments made in favour of non – disclosure

The information contained within this record relates to a murder that remains unsolved. Disclosure of this information into the public domain would prejudice a

future investigation or prosecution.

The information within this record includes details of the murder. If released into the public domain, it would cause substantial mental distress to surviving immediate family members of the victim, to the point at which the health and safety of the individuals would be endangered.

Outcome of the public interest test

The perpetrator has not been found and the murder therefore remains unsolved. The file contains a significant amount of information that has not been made public before. There is a possibility that the perpetrator is still alive. It is not possible to identify particular information that might 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.

The evolution of new scientific techniques means that cases hitherto considered unsolvable, are being examined afresh. By releasing the information contained in this file, it could prejudice any future case should any new information come to light. The public would want an offender prosecuted and justice administered. The file should remain closed until a hypothetical suspect is assumed to no longer be alive.

This record also contains various pieces of information about the murder. Release of this information will be highly distressing for the victim's remaining family, to the point at which the health and safety of the individuals would be endangered. The individuals would not expect this information to be released into the public domain.

Information within the records is also covered by the exemption at **section 40 (2)** of the FOI Act. This exempts personal information about a 'third party' (someone other than the requester), if revealing it would break the terms of Data Protection Legislation. Data Protection Legislation prevents personal information from release 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 UK General Data Protection Regulation (UKGDPR).

In this case the exemption applies because the records contain the personal and the sensitive personal information of a number of identified individuals assumed still to be living. These individuals have a reasonable expectation of privacy which would not include the release of this information into the public domain by The National Archives during their lifetime. To do so would be likely to cause damage and/or distress and would be a breach of the first data protection principle, which is concerned with the fair, lawful and transparent processing of information of this kind.

If you are dissatisfied with the handling of your request or the decision which has been reached you have the right to ask for an internal review. Internal review

been reached, you have the right to ask for an internal review. Internal review requests must be submitted within two months of the date of this response and should be addressed to:

Quality Manager
The National Archives
Kew
Richmond
Surrey
TW9 4DU
complaints@nationalarchives.gov.uk

Please mark your complaint clearly. You have the right to ask the Information Commissioner to investigate any aspect of your complaint. However, please note that the Information Commissioner is likely to expect internal complaints procedures to have been exhausted before beginning his investigation.

Yours sincerely,

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

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