

Data Protection Office

Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB

Tel: 01772 413203 / 412144 / 413050

Email: FOI@lancashire.police.uk



Michaela Lanier

Date: 28/12/2023

Dear Michaela Lanier

FREEDOM OF INFORMATION APPLICATION REFERENCE NO: FOI2023/04015

Thank you for your request for information received by Lancashire Constabulary on 29th November which was as follows:

I am seeking to obtain information related to Lancashire Police's investigation into Nicola Bulley's death. I am seeking the following information related to the force's contact with the victim and her partner, and the subsequent investigative timeline:

- * **Whether Lancashire Police had contact with Nicola and/or her partner Paul Ansell prior to January 10, 2023, and if so, a list of dates and nature of the contact**
- * **What date Lancashire Police received Ring CCTV footage from Nicola's home address, and how this footage was verified (i.e. raw files from a hard drive vs. Ring app)**
- * **What date Lancashire Police received a photo of Nicola from her family to distribute in missing posters**
- * **What date Lancashire Police learned that Nicola was wearing a Fitbit the morning of her disappearance, and what date the force began to try to examine data related to the Fitbit or locate the device**
- * **Whether the information relayed in the first 999 call by Paul Ansell was verified and corroborated by Nicola's GP and other health professionals who had treated her in the past, and if so, when that information was verified**
- * **Whether Lancashire Police received any other emergency calls from individuals apart from Paul Ansell regarding Nicola or her dog on the morning of January 27, 2023, and if so, a list of associated calls, whether to 999 or 101**

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact; b) specifies the exemptions in question and c) state (if that would not otherwise be apparent) why the exemption(s) applies.

Unfortunately, it is not possible to provide a response to this request as although held, some of this information is deemed to be exempt from disclosure under the Freedom of Information Act 2000 by virtue of the listed exemptions:

- **Section 38(1)(a)(b) – Health and Safety**

Section 38 is a qualified and prejudice based exemption and as such it is necessary for us to

consider both the harm which would be caused by the disclosure and the public interest factors both for and against the disclosure. Details of these can be found below.

Evidence of Harm for Section 38

Section 38(1) of the FOIA provides an exemption from the disclosure of information which would or would be likely to endanger the physical or mental health of any individual, or the safety of any individual. Any disclosure under the Freedom of Information Act is a disclosure to the world not just the individual making the request.

Whilst there is a large amount of information from reliable sources in the public domain, contained within documents such as the College of Policing review report, to disclose more in depth details which are not in the public domain would provide a reminder of a traumatic event to the family members and friends of Nicola, this would be likely to cause distress and thus would have a detrimental effect on the mental health of the families involved.

Public Interest Considerations

Factors Favouring Disclosure for Section 38

The police force is funded by the public and so there is a clear duty for the force to be open and transparent. Disclosure would provide further transparency and enable improved public debate and scrutiny of this investigation. The public have a right to understand how the investigation was conducted and how and when decisions were made.

Factors Favouring Non-Disclosure for Section 38

It is important to remember that a disclosure under the FOIA is effectively a disclosure to the world. Disclosure of the requested information which is not already in the public domain has the potential to cause upset and distress to the remaining relatives or close friends of Nicola which would be likely to negatively affect their mental health.

It is accepted this has been a high profile missing person investigation and created high public interest.

The Coroner has provided their findings in a public hearing.

The College of Policing have published their findings in how the investigation has been conducted and provided their recommendations.

There are a significant details already published about this case and the investigative process undertaken.

It is believed that there is significant increase in the harm to the close friends and family of Nicola to continue to disclose specific information that has been requested in this FOI.

The close friends and family have the right to begin closure and harm is identified in disclosing the information requested as it will significantly interfere with the safeguarding of their mental health and ability to continue to grieve and apply closure.

Balance Test

The primary aim of the police force is the prevention and detection of crime and to keep the people of Lancashire safe. Whilst there is a public interest in the police being open and

transparent, we believe that disclosure of this information would be likely to endanger the health and safety of individuals by causing upset and distress.

Disclosure of this information to aid openness and transparency is outweighed by the need to safeguard the close family and friends and reduce risk of causing harm to individuals mental wellbeing.

For this reason, it is therefore our opinion that the balancing test for disclosure is not made out. This letter serves to act as a refusal notice for this part of your request as per S.17 (1) of the Act.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to the Data Protection Officer, Data Protection Office, Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB or alternatively send an email to FOI@lancashire.police.uk. Details of the Constabulary's Freedom of Information Complaint Procedures can be found at the bottom of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted via the following link: www.ico.org.uk/foicomplaints

Yours sincerely

Information Access Team
Data Protection Office

LANCASHIRE CONSTABULARY

FREEDOM OF INFORMATION ACT 2000

FOI COMPLAINTS PROCEDURE



Introduction

Lancashire Constabulary is committed to delivering an open, transparent and accountable service whenever possible and it is our intention to commit to the principles of openness embodied in the Freedom of Information Act 2000 (the Act). The Constabulary will endeavour to meet its obligations and duties under the Act and its associated Codes of Practice, respond to all applicants who request information in a helpful and timely manner.

We will release information to the greatest extent possible, consistent with the public interest, but we may withhold information if we consider its release would subsequently cause significant harm. We therefore recognise that there might be occasions when an applicant is not content with the Constabulary's response or the content of our Publication Scheme.

What can I complain about?

The complaint may concern any aspect of the way in which your request has been dealt with. If you are not satisfied with the way we have handled your request or with the reasons we have given for refusing to provide information, you have the right to appeal.

How do I complain?

Any dissatisfaction expressed in writing with regards to the way in which your request has been handled will be treated as a complaint and an internal review of the response will be conducted. As such please be advised that any complaints must be made in writing within 40 working days of receiving your FOI Response. In order that your complaint will be dealt with as quickly as possible, it will help if you can give us as much information as you can about the original request made and the reason for your complaint. It should detail:

- What the original request was
- The nature of the complaint
- Why you feel you should have received more information - should that be the case

Please forward details of your complaint to:

The Data Protection Office, Lancashire Constabulary Headquarters, PO Box 77, Hutton, Preston, PR4 5SB

foi@lancashire.police.uk

What happens to my complaint?

Once the complaint has been received, you will receive an acknowledgement confirming receipt of your appeal.

The complaint will be passed to the Data Protection Officer for attention. Arrangements will then be made for the complaint to be considered by a Panel comprising of at least two of the following persons:

- Data Protection Officer
- Deputy Data Protection Officer
- Information Compliance Data Protection Advisor
- Information Access Team Leader

At least one member of the Panel will not have been party to the original decision.

In reviewing the response, the Panel will consider the information relating to the decision, what/if any information has been provided, and the grounds of the complaint(s). Where necessary the Panel may seek information / clarification from the decision maker / information holder.

The final decision will be recorded and the applicant will be notified of the outcome in writing. If the original decision is reversed, or an issue is identified with regard to how the request was dealt with, appropriate consideration will be given to request handling procedures.

How will I be notified?

You should normally receive a final response within 20 working days. If it is not possible to meet this deadline, you will be notified of the new deadline, usually not longer than 40 days. If our original decision to withhold information is over-turned on appeal we will send you the additional information immediately. If we believe that our original response was correct we will let you know, and inform you of your options.

What if I'm still not satisfied?

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted via the following link:

www.ico.org.uk/foicomplaints