



Our ref: 8677

s17 Notice under the Freedom of Information Act 2000

WITHHOLDING INFORMATION

Section 21(1) - Information accessible to applicant by other means.

(1) Information which is reasonably accessible to the applicant otherwise than under section 21 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Section 21 is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.

Section 31(1)(c) – Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice the administration of justice

The disclosure of internal process documents such as this could inhibit the ability of the CPS to conduct proceedings fairly.

This is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test.

It may assist you to understand the decision if the public interest factors taken into account in this case is explained:

Public interest factors for disclosure:

To increase public understanding of the CPS decision making and prosecuting process

Public interest factors against disclosure:

The CPS publishes its policy guidance relating to Feedback and Complaints on its website in order to be transparent and increase the public understanding of our complaints handling procedure.

However, some information needs to be withheld to protect those involved with the complaints handling process. The CPS' internal Feedback and Complaints guidance is there to support those involved in the handling of complaints. Disclosure to the world at large would impede the work of those working in this process. It is in the public interest that CPS is confident in its ability to handle complaints effectively, sensitively, fairly and thoroughly without prejudice to its processes.

On balance, I consider the public interest favours maintaining the exemption.