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SPECIALIST OPERATIONS

Mr. Van Natta  
Investigative Correspondent  
London Bureau  
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16 June 2010

SO15 - Counter Terrorism Command

New Scotland Yard  
10 Broadway  
London  
SW1H 0BG

Facsimile: 020 7230

[www.met.police.uk](http://www.met.police.uk)

Your ref:  
Our ref: 2010040002851

Dear Mr. Van Natta,

**Freedom of Information Request Reference No: 2010040002851**

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 14/04/2010. Sincere apologies for the delay in getting this reply to you, however, I note that you seek access to the following information:

1. All reports and/or summaries filed in this matter by the Metropolitan Police to the attorney general, the Crown Prosecution Service and/or the House of Commons Culture, Media and Sport Committee, including but not limited to reports/summaries dated May 30, June 30 and July 14 of 2006 and February 18 2010;
2. The minutes of any and all internal meetings, including but not limited to the Management Board sessions, attended by (but not limited to) Dick Fedorcio, Andy Hayman, Peter Clarke, Philip Williams and John Yates in which the Mulcaire/Goodman matter was discussed, at any time during the criminal investigation or following its closure;
3. The number of individuals identified during the Metropolitan Police's technical portion of its inquiry into the alleged phone-hacking of the Royal Household (specifically the number of people identified during the police's inquiry that occurred from January 2006 through August 2006; to be clear, we are not asking for individuals' names but rather the number of full names identified and the number of partial names identified);
4. The number of mobile phone numbers identified during the Metropolitan Police's technical portion of its inquiry into the alleged phone-hacking of the Royal Household (specifically all numbers identified during the police's inquiry that occurred from January 2006 through August 2006; to be clear, we are asking for a delineation between the number of full mobile numbers and the number of partial numbers identified);

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5. The number of individuals whose PIN codes needed for access to mobile phone voicemail, was accessed, as identified during the Metropolitan Police's technical portion of the inquiry into the alleged phone-hacking of the Royal Household (specifically all PIN codes identified during the police's inquiry that occurred from January 2006 through August 2006);
6. Any email, memo or phone messages from any current or former members of News Corp., News International, News of the World, The Sun, The Times or The Sunday Times, including any of its reporters, editors or executives, about the Mulcaire/Goodman inquiry or the phone-hacking investigation in general to any current or former member of the Metropolitan Police. In addition, any emails, memos or phone messages referencing any such inquiry from the above listed individuals and entities;
7. Any emails, phone messages or other documents, electronic or otherwise, from current or former employees of the Metropolitan Police to any current or former employee or current or former lawyer representing News Corp., News International, News of the World, The Sun, The Times or The Sunday Times, including any of its reporters, editors or executives (either current or former), about the Mulcaire/Goodman inquiry or the phone-hacking investigation in general. In addition, any emails, memos or phone messages referencing any such inquiry from the above listed individuals and entities;
8. A copy of the document listing names and mobile phone numbers collected from the raids of Mr. Mulcaire's home and business and Mr. Goodman's office that was given to Mr. Hayman sometime between August 2006 and January 2007. (If you regard the names themselves as exempt, please redact the names but still provide the document itself.);
9. Any and all documents, electronic or otherwise, that in any way relate to then Detective Sergeant Mark Maberly's reported assertion that "they had found there were something like 6,000 people who were involved" and "You are not having everything, but we will give you enough on Taylor to hang them." (This assertion was part of the evidence given by Mark Lewis to the House of Commons Culture, Media and Sport Committee.);
10. Any and all documents, electronic or otherwise, from or to general counsel Emma Harroway relating to the Maberly matter, Mark Lewis or Baroness Buscomb;
11. Any and all documents (emails, phone messages, memos, etc.), electronic or otherwise, that in any way relate to communications between Rebekah Wade, currently the chief executive at News International, and Dick Fedorcio, Andy Baker and/or John Stevens, in the time frame of 2002 to 2004, related to a news editor at the News of the World named Alex Marunchak.

## **1. DECISION**

This letter is to inform you that it will not be possible to respond to your request within the cost threshold.

## **2. COSTS estimation**

2.1 I hope the following explanation will clarify why it will not be possible to respond to your request within the cost threshold.

Initial research has been carried out to determine if the MPS hold the information you have requested. This has included trying to identify all possible locations / systems which may hold information pertinent to your requests, which includes both electronic and manual unstructured files.

2.2 The information Commissioner has issued recent guidelines on using the Fees regulations dated 26 June 2009, stating 'Section 12 makes it clear that a public authority does not have to make a precise calculation of the costs of complying with a request. Only an estimate is required ... what amounts to a reasonable estimate can only be considered on a case by case basis.' The Information Commissioner also advises 'where a reasonable estimate has been made that the appropriate limit would be exceeded, there is no requirement for a public authority to undertake work up to the limit.'

2.3 We estimate that the cost of complying with this request would far exceed the appropriate limit. The appropriate limit has been specified in regulations and for agencies outside central Government; this is currently set at £450.00. This represents the estimated cost of one person spending 18 hours [at a rate of £25 per hour] in determining whether the MPS holds the information, and locating, retrieving and extracting the information.

### **3. FEES REGULATIONS**

3.1 The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, prescribe the 'appropriate limit' as being £450 for public authorities which are not part of central government, with staff costs calculated at a rate of £25 per hour. In order to avoid exceeding the fees limit the MPS would need to be able to determine whether it holds the information and if necessary complete the location, retrieval and extraction of the requested information within 18 hours of staff time.

3.2 The Information Commissioner's Office has published guidance notes (22 August 2008) 'In the context of FOIA, extraction is the process by which information included in the request is separated from other information contained in the same document. What can be included when estimating the costs of compliance?'

*A public authority may take account only of the costs it reasonably expects to incur in relation to the request in:*

- *determining whether it holds the information;*
- *locating the information, or a document which may contain the information;*
- *retrieving the information, or a document which may contain the information; and*
- *extracting the information from a document containing it.*

*If the task can clearly be identified as extracting information falling within the scope of the request the time that is likely to be taken can be included in the estimate of costs.'*

3.3 Regrettably, this letter is therefore to inform you that it will not be possible to respond to your request within the cost threshold.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

#### **Section 17(5) of the Act provides:**

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

Section 12 of the Act provides:

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

**4. ADDITIONAL ADVICE AND ASSISTANCE**

However, under **Section 16 (duty to assist)** we are required to provide advice and assistance in order to help you submit a new request so that it might fall within the cost limit. Given the substantial amount of work involved determining whether the information requested is held or not, it is difficult to provide you with ways in which to submit a request on this topic which might be responded to within the cost limit. But should you wish the MPS to conduct searches in specific areas of interest please do get back to us. However, I can provide you with the answers to questions 3,4 & 5 which are reproduced below. I hope this will be of use to you.

**5. IN CONCLUSION**

Whilst I appreciate this may not be the response you would have liked, I hope the explanation I have provided has explained why the MPS is unable to comply with your request within the 18 hours fees limit as set out by the Fees Regulations mentioned above.

Response to Question 3, 4 and 5

This is already a matter of public record, but to help you the following is what the MPS has already made publicly available: -

Q.3. In arriving at a figure for the total number of names or partial names no attempt has been made to analyse those different names in order to try to establish how many individuals are represented by those names, nor has any attempt been made to distinguish between those named who are friends, family, acquaintances or contacts of Mulcaire or Goodman, targets of their work or potential victims of their illegal activity. Based on these provisos the total number is 4332. This figure is simply the total number of entries recorded on the MPS system as a consequence of all the material seized during our searches. It must be emphasized that this number is a wholly inaccurate number in terms of any attempt to establish the number of individuals who may have been of interest to Mulcaire and Goodman in any context as it includes every full name, partial name, initial(s) and multiple combinations thereof together with possible misspellings and duplications. Hence, multiple entries on the MPS system could and probably do relate to a single individual. The names could have been held for any purposes legitimate or otherwise.

Q.4. The total number of mobile phone numbers (or partial mobile phone numbers) which are recorded on the database the number is 2978. This figure is simply the total number of entries recorded on the MPS system as a consequence of all the material seized during our searches, which we believe may be a mobile number. It includes partial and whole numbers, which may or may not be accurate and no attempt has been made to distinguish between those numbers of friends, family, acquaintances or contacts of Mulcaire or Goodman, targets of their work or potential victims of their illegal activity. It must be emphasized that this figure therefore provides a wholly inaccurate picture as to the numbers that may have been subject to interception.

Q.5. The number of individuals in relation to whom PIN codes, needed for access to mobile phone voicemail, are recorded the answer is that from the material seized there appear to be 91 individuals. It cannot be stated with any certainty how many of these were the correct mobile phone and/or pin code number.

**COMPLAINT RIGHTS**

If you are dissatisfied with this response please read the attached paper entitled Complaint Rights which explains how to make a complaint.

Should you have any further enquiries concerning this matter, please contact me on 0207 230 2401 or at the address at the top of this letter, quoting the reference number above.

Yours sincerely

**Gill Brown**

**Information Manager**

## **COMPLAINT RIGHTS**

**Are you unhappy with how your request has been handled or do you think the decision is incorrect?**

You have the right to require the Metropolitan Police Service (MPS) to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

### **Ask to have the decision looked at again –**

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

### **Complaint**

If you are dissatisfied with the handling procedures or the decision of the MPS made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the MPS to have the decision reviewed.

Complaints should be made in writing and addressed to:

FOI Complaint  
Public Access Office  
PO Box 57192  
London  
SW6 1SF

In all possible circumstances the MPS will aim to respond to your complaint within 20 working days.

### **The Information Commissioner**

After lodging a complaint with the MPS if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk). Alternatively, phone or write to:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF