

From: [REDACTED]
Sent: 17 June 2020 14:14 Redacted under s40(2) of the FOI Act
To: [REDACTED]
Subject: TNA FOI request (F0062023) for file ref: MEPO 2/9894 [OFFICIAL SENSITIVE]
Attachments: MEPO 2-9894 RR.doc; F0062023 MEPO 2-9894 PIT form.docx

Good afternoon [REDACTED],

TNA has a new FOI request (F0062023) for file ref: MEPO 2/9894. Please see the attached research report.

If you are in agreement with the recommendations please complete and return the attached PIT form. Do let me know if any issues require further discussion.

Please could I request a response and/or PIT form by **1st July** if possible.

We look forward to hearing from you.

Many thanks and kind regards,



[REDACTED] | **FOI Assessor**

T: [REDACTED] | W: nationalarchives.gov.uk

Twitter: @UkNatArchives

The National Archives, Kew, Richmond, Surrey TW9 4DU

**Document withheld under s31(1), 38(1)(a), 40(2), and
41(1) of the FOI Act**

**Document withheld under s31(1), 38(1)(a),
40(2), and 41(1) of the FOI Act**

From: [REDACTED]

Sent:

26 June 2020 13:07

Redacted under s40(2) of the FOI Act

To: [REDACTED]

Subject:

RE: TNA FOI request (F0062023) for file ref: MEPO 2/9894 [OFFICIAL SENSITIVE]

Attachments:

F0062023 MEPO 2-9894 PIT form.docx

EXTERNAL: This email originates from outside of The National Archives.

Hello [REDACTED],

Please find attached the PIT for case F0062023.

Regards

[REDACTED]
Data Quality Senior Manager

Data Governance

Data Office

Metropolitan Police Service

Tel: [REDACTED]

Email: [REDACTED]

Core Location: 10th Floor, Marlowe House, 109 Station Road, Sidcup, Kent DA15 7ES

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[Redacted] | FOI Assessor

T: [Redacted] | W: nationalarchives.gov.uk

Twitter: @UkNatArchives

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and 41(1) of the FOI Act**

Document withheld under s36(2)(b) of the FOI Act

From: [REDACTED]
Sent: 21 July 2020 13:19
To: FOI Team
Subject: Panel 08 completed

Redacted under s40(2) of the FOI Act

Hi all

Panel 08 has now been completed – please see [Panel Response Template](#).

[REDACTED]

[REDACTED]

[REDACTED]

Out of scope for this request

Kind regards



[REDACTED] | **FOI Manager**

T: 020 3908 9011 W: www.nationalarchives.gov.uk

The National Archives, Kew, Richmond, Surrey TW9 4DU

Visit our [COVID-19 information hub](#) for up-to-date guidance and support for public record bodies including changes to The National Archives' services.

From: [REDACTED]
Sent: 01 September 2020 16:13
To: Schedule Applications
Cc: [REDACTED]
Subject: MEPO 2/9894 SAR form
Attachments: MEPO 2-9894 SAR form.doc

Redacted under s40(2) of the FOI Act

Good afternoon,

Please find attached a SAR form for MEPO 2/9894.

The closure period has increased.

Many thanks,



[REDACTED] | **FOI Assessor**

T: [REDACTED] | W: nationalarchives.gov.uk

Twitter: @UkNatArchives

The National Archives, Kew, Richmond, Surrey TW9 4DU

From: Schedule Applications

<scheduleapplications@nationalarchives.gov.uk>

Sent: 01 September 2020 15:23

To: Chas [REDACTED]

Subject: RE: Notification of FOI reviews

Hi [REDACTED],

For **MEPO 2/9894 (F0062023)** below - the PIT suggests s.41 is being applied here in addition to what has come before (31, 38 and 40). Is this correct? In which case we would need a Change of Access form for this additional exemption.

Can you also confirm that s.31 still applies? It's not mentioned below (though that might just be a typo!)

Many thanks,

[REDACTED]



[REDACTED] | **Access Manager**

T: [REDACTED] | W: nationalarchives.gov.uk

Twitter: @UkNatArchives

The National Archives, Kew, Richmond, Surrey TW9 4DU

From: [REDACTED]
Sent: 05 August 2020 16:15

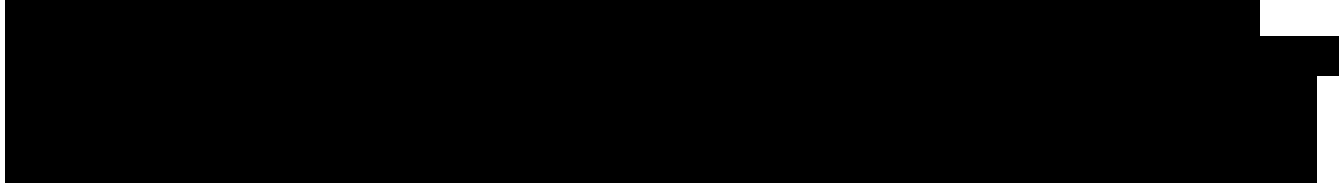
To: Schedule Applications <scheduleapplications@nationalarchives.gov.uk>

Subject: Notification of FOI reviews

Good afternoon,

The following files have been reviewed under FOI and no changes have been made to the existing closure conditions:

Out of scope for this request



MEPO 2/9894 (F0062023) - More detailed section 38 arguments were seen by Panel 08 (2020-21, case 04)

Many thanks,



[Redacted] | FOI Assessor

T: [Redacted] | W: nationalarchives.gov.uk

Twitter: @UkNatArchives

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Document withheld under s36(2)(b) of the FOI Act

From: _foirequest

Sent: Tue, 21 Jul 2020 18:47:42

Redacted under s40(2) of the FOI Act

To: [REDACTED]

Subject: Freedom of Information request F0062023

Dear [REDACTED],

Thank you for your enquiry of 11th May 2020 regarding a review of:

MEPO 2/9894 Unsolved murder of Kelso COCHRANE on 17 May 1959. See also MEPO 2/9883. Orderable at item level

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

Information within this record is covered by section 31(1)(b & c) and 38(1)(a) of the Freedom of Information Act 2000.

Section 31(1) of the Act exempts information if its disclosure under this Act would, prejudice (b) the apprehension or prosecution of offenders (c) the administration of justice.

Section 38(1)(a) of the Act exempts information that, if it was released, would endanger the physical or mental health of any individual.

A public interest test was considered in consultation with the Metropolitan Police Service (MPS). 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 case a murder of an Afro-Caribbean man which may have been racially motivated.

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 a murder, that may have been racially motivated, there is an interest in disclosing information about the police conduct of the investigation.

This concern becomes more acute if the crime remains unsolved. Such disclosure would reassure the public, inspiring their confidence and co-operation whilst engendering a sense of well-being, the caveat being that disclosure would not prejudice any future investigation or infringe the rights of

individuals.

Arguments made in favour of non – disclosure:

Exemption from disclosure of the information in this piece is sought because publication may prejudice a future investigation and prosecution. This case meets the criteria that indicates that it would be investigated in the future, if new evidence was adduced or a confession forthcoming:

- This murder remains unsolved
- The crime is of a seriousness that means it would merit further investigation
- There is no age limit on the prosecution of persons suspected of murder
- The suspect(s) may still be living
- Key evidence could be used to identify alleged offenders or test the veracity of subsequent evidence/confessions
- This was a crime of such seriousness that even 50 years after the event the police would still pursue an investigation should the opportunity arise
- This crime is a controversial and high profile case, which has attracted much media attention over the years. There is a high communal expectation that the investigation would be pursued should an opportunity arise
- The Metropolitan Police Service consider this case to be ‘open’
- Article 2 of the Human Rights Act places a duty on the State to investigate suspicious deaths

The information contained in this record is directly relevant to the investigation of a murder that is unsolved. As such the Metropolitan Police Service and Essex Police would desire that the details of the investigation remain confidential for the lifetime of any hypothetical suspect. This closure period would be based on an assumption that the suspect(s) would have been at least 16 years old at the material time. The rationale for this is that there remains a possibility that these murders could still be investigated and that a suspect could be identified, charged, brought to trial and convicted.

The premature release of the case file into the public domain, information from which would form the basis of the prosecution, might prejudice any future investigation and prosecution. It is not possible to identify information from this record that might be released into the public domain at this point without the risking 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. Increasingly police services throughout the country are setting up ‘cold case’ teams to review their case files on unsolved murders; in some instances these unsolved murders date back to the 1940s.

This record contains information which if disclosed into the public domain would cause the victim's living immediate family mental distress. This information is in the form of the coroner's report and post-mortem and forensic reports which graphically describes the injuries sustained by the victim.

The Metropolitan Police Service is custodian of information that will have a profoundly detrimental effect on the well-being of individuals if disclosed into the public domain. As such it owes a duty of care to these individuals to handle such information in a way that protects them from harm.

Outcome of the public interest test:

This record contains information relating to an unsolved murder. If disclosed into the public domain, it would prejudice a future criminal investigation or prosecution.

Disclosure of information from this piece would cause substantial anguish to the victim's surviving immediate family.

Information within the record 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 General Data Protection Regulation (GDPR).

In this case the exemption applies because the record contains 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 requests must be submitted within two months of the date of this response and should be addressed to:

Quality Manager
Programme Management Office
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 her investigation.

Yours sincerely,

FOI Assessor
Freedom of Information Centre
The National Archives

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<https://www.smartsurvey.co.uk/s/LTU00/>

If you would like to contact us again regarding this request, please contact us by replying to this e-mail.

Remember to quote your call reference number: F0062023 in any correspondence, as this will assist us in providing you with a quick response.

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