

Response to Request for Information

Reference FOI 003259
Date 14 February 2019

The recent legal case against Brendan McCarthy

Request

I write regarding the recent legal case against Brendan McCarthy and the Jeremy Vine BBC 2 radio program yesterday, (13.02.19) at midday 12:00 - called hands and nipples. On the program a spokesman for Wolverhampton council said a member of the public had brought forward this complaint that you subsequently acted on.

I would like to know the following:

How was this complaint received - phone call, email for example.

If the complaint was made in writing, do you still have a copy of this complaint on record.

Can you provide a copy of this complaint to me, sent to this email as a reply.

What is the full name of the person who made this complaint?

Did this person represent a company or news organisation?

If they represented a company, what is that company's business type?

Response

I can confirm that we have the information that you have requested, however, upon careful consideration of your request I can confirm that the following exemptions apply:

Section 30 Investigations and proceedings conducted by public authorities.

(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of—

(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained—

(i) whether a person should be charged with an offence, or

(ii) whether a person charged with an offence is guilty of it,

(2) Information held by a public authority is exempt information if—

(a) it was obtained or recorded by the authority for the purposes of its functions relating to—

(ii) criminal proceedings which the authority has power to conduct.

And:

Section 41 Information provided in confidence.

(1) Information is exempt information if—

(a) it was obtained by the public authority from any other person (including another public authority), and

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.