

7 August 2015

FOI and DPA Officer
Criminal Cases Review Commission
5 St Philip's Place
Birmingham
B3 2PW

Dear Sir/Madam

DPP V MAURICE JOHN KIRK BVSc – APPLICATION UNDER FREEDOM OF INFORMATION ACT 2000 AND/OR DATA PROTECTION ACT 1998

I write to request to be supplied with copies of all documents that are retained on the Criminal Cases Review Commission file in respect of my request to review my conviction at Cardiff Magistrates' Court on 1 December 2011 before DJ John Charles, and my subsequent appeal to Cardiff Crown Court dismissed by HHJ Hughes on 1 March 2012, and my trial and conviction at Cardiff Crown Court before HHJ Curran QC on 4 May 2012.

You may be aware that copies of originals are obtainable under the Freedom of Information Act 2000, as a result of the recent Court of Appeal ruling in Independent Parliamentary Standards Authority v. Information Commissioner [2015] EWCA Civ 388, copy enclosed.

Regarding the parts of the documents that I appear to be the “direct focus” under the Durant ruling, I request to be supplied with complete un-redacted copies under section 7(1)(a) of the Data Protection Act 1998.

Regarding the parts of those documents that I may not be the “direct focus” of, I simultaneously apply under section 8(1) of the Freedom of Information Act 2000.

I therefore apply for complete copies of all of the documents of which I am and am not the “direct focus” of, I request the complete and un-redacted copies under both the Data Protection Act 1998 and the Freedom of Information Act 2000 simultaneously.

While fully accepting that the Durant ruling permitted disclosure of “data” of which the subject is the “direct focus” of, so that material that didn't constitute “direct focus” data could be redacted, this in my view would be inapplicable to a dual application as with the case here.

There also would appear to be nothing in either the provisions of the Data Protection Act 1998 or the Durant ruling that prevents the additional none “direct focus” data in a document also being supplied simultaneously, provided that the data controller is a public body subject to the Freedom of Information Act 2000.

I make this application under section 8(1) of the Freedom of Information Act 2000 and/or section 7(1)(a) of the Data Protection Act 1998.

Yours faithfully