

## Hilda Murrell and the FOIA

### Nick Must

**W**hatdotheyknow.com is a site devoted to Freedom Information requests in this country.<sup>1</sup> On it Josh Hastings is recorded as having made some FOIA requests to various bodies for material held on Hilda Murrell.<sup>2</sup> The only response that yielded anything was from West Mercia Police, the force that handled the original investigation into the case.<sup>3</sup> The document he received is what *should be* a fairly standard police report into an investigation, along the lines of 'the crime was reported at such-and-such a time' and 'Detective Constable Smith interviewed the witness and obtained the important information that...' etc. However, about 90% of the first two pages of the document Mr Hastings received are entirely redacted, as are parts of the other seven pages.

West Mercia Police stated that the redactions are qualified as being exemptions under FOIA

'Section 30 – Investigations and Proceedings Conducted by Public Authorities. This relates to investigations in general terms and covers information that has been held by a public authority gathered at any time in relation to a specific investigation, criminal or otherwise, and that has not already been made publicly available'

– and –

'Section 40 – Personal Information. This relates to any information that relates to an individual, or from which an individual could be identified, and that has not already been made publicly available.'

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<sup>1</sup> N.B. that it's not a site that lists *all* FOIA requests. That would surely be nigh on impossible; and, anyway, the website is run by volunteers. The main description the site has of itself is that it is 'A site to help anyone submit a Freedom of Information request. WhatDoTheyKnow also publishes and archives requests and responses, building a massive archive of information.'

<sup>2</sup> For those not familiar with the crime that was the murder of Hilda Murrell, a decent briefing can be obtained from an article, '*Who really killed Hilda Murrell*', that Michael Mansfield QC wrote for the *Guardian*:  
<<https://www.theguardian.com/law/2012/mar/20/who-killed-hilda-murrell>>.

<sup>3</sup> See <<https://tinyurl.com/y8lpgrrr>> or <[https://www.whatdotheyknow.com/request/399477/response/989402/attach/3/Data%20for%20Disclosure.pdf?cookie\\_passthrough=1](https://www.whatdotheyknow.com/request/399477/response/989402/attach/3/Data%20for%20Disclosure.pdf?cookie_passthrough=1)>.

So it is possible (probable) that *some* of the first section of that released information *could* be redacted under those two exemptions; but the *blanket* redactions at the beginning, and other minor redactions later on, are obviously excessive. This is provable because the document starts with Hilda Murrell's full address – 'Ravenscroft, 52 Sutton Road, Shrewsbury' – but later references to the evidence found at, or searches conducted at, the address are stated as having occurred at 'XX Sutton Road, Shrewsbury' (i.e. 52 is needlessly redacted).

What is, perhaps, *more interesting* is that Mr Hastings had a separate request to the Home Office on the same subject denied (10 May 2017) under exemptions 23(5) & 24(2) of the FOIA.<sup>4</sup> By using exemption 23(5) 'The Home Office neither confirms nor denies whether it holds any information which falls within scope of your request.'

However . . . exemption 23(5) can *only* be used when the information relates to fourteen specified intelligence, security and national policing bodies<sup>5</sup> – only five of which were in existence at the time of Hilda Murrell's murder: those five being MI5, MI6, GCHQ, the special forces and the Security Commission.

Considering that 'As the exemption under section 23(5) is absolute; it is not necessary to consider the public interest arguments affecting its application,' I find it strange (but possibly even more revelatory) that the Home Office used an additional and unnecessary exemption under section 24(2), which relates to the safeguarding of 'national security'.

As regards this denial by the Home Office, Mr Hastings took the next step and requested an internal review. The reply from the Home Office foolishly showed how unfamiliar they were with the actual case and stated:

'Hilda Murrell **is** [*my emphasis*] an anti nuclear campaigner, so her activities would be of interest to others who share her views.'

Therefore demonstrating they were seemingly unaware that Hilda Murrell had been dead for some 30 plus years.<sup>6</sup>

Another similar request by Mr Hastings to the Cabinet Office received the

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<sup>4</sup> <<https://tinyurl.com/y7ydfuvm>> or <<https://www.whatdotheyknow.com/request/399475/response/976848/attach/3/43464%20Hastings%20Final.pdf>>

<sup>5</sup> The full list of fourteen can be found at:  
<<https://www.legislation.gov.uk/ukpga/2000/36/section/23>>.

<sup>6</sup> <<https://tinyurl.com/ycpbar6s>> or <<https://www.whatdotheyknow.com/request/399475/response/1005784/attach/3/IR%20CR%2043464.pdf>>

reply that they held nothing.<sup>7</sup> *If* the Home Office had no information, why did they did not just say the same thing? 'Refuse to confirm or deny' has in this case, I think, actually confirmed.

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<sup>7</sup> <<https://tinyurl.com/ycqq2eng>> or <<https://www.whatdotheyknow.com/request/399476/response/963517/attach/3/FOI324471%20REPLY.pdf>>