

Open Letter

Baroness Peta Buscombe, *Chairman, Press Complaints Commission.*

Reverend Dr. Stephen Hampton, *Dean, Peterhouse College, University of Cambridge.*

Silent Withholding - Peterhouse College, Cambridge University

Stonewalling prevented verification and validation of a statement published by Tim Toulmin, Director, Press Complaints Commission (PCC). Toulmin implied that he holds a degree from Peterhouse College “the College”, University of Cambridge “the University”. He obtained his position with PCC based upon that information.

Various publications also claimed that Toulmin graduated with a degree from the College yet none of them named the degree. They failed to recognize that the University confers all degrees, not its colleges. This discrepancy sounded an alert and opened the door to investigation of a series of allegedly criminal or negligent actions by Toulmin in his capacity as PCC director.

Published statements by alumni about attendance at colleges which they use for employment and financial gain require verification and validation by the university that they claim to have attended. Both Toulmin and the University neglected to respond to repeated requests for verification then the University referred the request to the College.

Press Complaints Commission claimed that Toulmin joined its staff in 1996 as a graduate having read history at the College. Literally that meant that he resided at the College as a student of history. The ambiguous term "graduate" needed qualification. As it stood, it could mean a high school, college, or university certificate or degree.

If a university degree does not receive verification, then use of it could constitute a fraud under Fraud Act 2006. Toulmin acknowledged receipt of a request for degree validation (04 Aug 09) then neglected to process it. Both Toulmin and Buscombe (Chairman, Press Complaints Commission since April 2009) ignored repeated requests; instead, Toulmin announced his resignation (16 Sep 09) effective December 2009.

The author sent a prepublication notice to Peterhouse College (Cambridge) faculty members and Press Complaints Commission members.

He gave them notice following the international codes of ethics agreed among journalists. Several of those codes, tested in international courts, have legal precedent.

The notice gave anyone negatively affected by content an opportunity to address matters of fact by submitting 500 words for publication over their own signature in mitigation, explanation, or refutation.

Several people replied with helpful comments about clarification now incorporated into the article (names withheld to prevent intellectual mugging); however, Buscombe, Hampton, and Toulmin did not respond. By that, they effectively verified statements about their dereliction in the minds of readers.

The College used a general denial of access to information requested under Freedom of Information Act 2000 (FOIA) by an arbitrary interpretation of Data Protection Act 1998 (DPA). A general denial forms no part of the legal process unless a court grants permission.

FOIA created a duty for the College to confirm or deny in writing whether or not it holds the information. Exemptions to withhold information only apply when qualified by a public interest test. Arguably, FOIA requires free access to information from all institutions that receive public funding or grants by any person making a request to the College.

The University must also inform requesters in writing whether it holds information described in the request then release it. It must substantiate its reasons for refusal or delay of access to information by citing legal precedents and provide the name of a person, email address, and statute under which the requestor can appeal the decision.

The term "general denial" defines arbitrary and biased statements, innuendo, and assumption that bear no relation to facts. To deny access to public information, the University must controvert all the declarations and assertions (averments) as common law requires and not use a narrow construction when FOIA generally requires a liberal construction, at least until a judge rules otherwise.

Significantly, FOIA prohibits the previously unrestrained practice of withholding information until forced to release it. An agency must now release all information it holds unless a statute grants an exemption. In that case, the agency must cite with particularity the statute or legal precedent that permits refusal or redaction.

Dr Philip Pattenden, Peterhouse College assumed the title Data Protection Officer (DPO) then distanced himself by using a proxy and that proxy's email address to claim:

. . . Information concerning an individual falls under the terms of the Data Protection Act. If I am provided with evidence that the data subject consents to release of the information I may legally release it under the terms of the Act.

Pattenden evaded his responsibility to disclose public information by using an alias. Peterhouse College lists Pattenden only as a Fellow and Director of Studies, Senior Tutor, Tutor for Graduate Admissions not as Data Protection Officer.

Pattenden did not state the statute and section to which he referred and other laws *in pari materia*. If he required permission from an alumnus before releasing public information, then he should contact the alumnus himself and state the result in his reply to the FOIA request.

The College has extravagantly interpreted and substituted meaning evidently beyond the true one. DPA does not allow arbitrary or general denials (denying all allegations in a complaint). Pattenden has not genuinely interpreted the statute and has construed law in a way that does not support due process according to court rules. He has refused to provide public information because it does not conform with his own understanding of the statute.

Denials must fairly meet the substance of the proof. If the College intends in good faith to deny a part or a qualification of fact, then it must specify the part that it considers true and material.

It must only deny the remainder. The College denial did not fairly address the substance of the facts denied.

The University must now validate or deny the degree that Toulmin implied. Validation should include: the level and name of the degree (under-graduate or post-graduate) and its major; dates of full-time attendance at classes to “read history”; the date of graduation from Peterhouse College; and, details of programs attended.

Both Peterhouse College and Press Complaints Commission have shown a pattern or practice of acting contrary to statutes which only permit general denial when it intends in good faith to controvert all assertions of fact. Rarely do general denials pass that test neither do reputable judges allow them. By that, they delayed and denied justice.

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Within twelve hours of publication of this article, Tim Holt, Deputy Head of Communications, Office of External Affairs and Communications, University of Cambridge wrote:

I can confirm that Timothy James Toulmin of Peterhouse College received a BA degree from the University in 1996.

Holt confirmed that Toulmin earned an undergraduate degree at Peterhouse College not a graduate degree as Toulmin implied. Press Complaints Commission stonewalled validation requests for ten weeks and Peterhouse College falsely claimed an exemption from disclosure under Data Protection Act.

Vivien Hepworth, Chairman, Grayling Political Strategy UK and Brussels (PCC Member and Chairman of a governance review examining how PCC operates) has announced the make up of an independent panel to carry out that review. Hepworth said:

I am very pleased to announce that Stephen Haddrill, Elizabeth Vallance, and Eddie Young have agreed to be part of this group. I wanted a team that would combine an insight into governance matters, knowledge of self-regulation, industry expertise, and some fresh thinking - and that is what this line-up delivers. Eddie, Elizabeth and Stephen all have outstanding track records in their own fields, and will help ensure that the review is a rigorous and innovative process.

Toulmin has now resigned. Hepworth must now insure that the review addresses multiple dereliction and political expedience during Toulmin's tenure starting with investigation into outstanding prior restraint issues among NUJ, BBC, and Press Gazette.

Timothy R Gopsill, Editor, Journalist (NUJ magazine) orchestrated a seven-year, media blackout to cover up neglect by Jeremy Dear, NUJ General Secretary, and Claire S Kirby (former Legal officer now at Thompsons Solicitors) which prevented NUJ members from knowing about illegal imprisonment of a member. Gopsill also invoked an illegal prior restraint with British Broadcasting Corporation (BBC) and Press Gazette.

Buscombe, Chairman and Toulmin, Director of PCC stonewalled complaints filed against NUJ and BBC. Those complaints alleged collusion and illegal prior restraint for political expedience.

[\[NUJ Position Paper\]](#) [\[NUJ/PCC Complaint\]](#) [\[BBC/PCC Complaint\]](#)

Conclusion

Neither Hampton nor Buscombe replied to previous correspondence relative to the issues. In response to an FOIA request, Pattenden did not specify the parts considered true and material by denying only the remainder. Instead, Pattenden used his own interpretation and construction to refuse access to public information which relates to allegations of criminal activity under Fraud Act 2006. His refusal could interpret as obstruction of justice by denying information required for a criminal complaint and arguably make him an accessory after the fact.

Buscombe must now answer the discrepancies in PCC statements which claimed *Journalist* magazine ineligible to apply for membership in PCC when an NUJ officer stated that PCC refused NUJ membership. Buscombe must also explain Toulmin's neglect to process prior restraint, media blackout, and gag order complaints against BBC, *Press Gazette*, and *Journalist* magazine evidently for political expedience.

David Miliband MP, Secretary of State for Foreign and Commonwealth Affairs; Sir Peter Ricketts, Permanent Under-Secretary and Head of the Diplomatic Service; Sir Nigel Sheinwald, British Ambassador to the United States; Jack Straw MP, Secretary of State for Justice and Lord Chancellor; and Gareth Thomas MP, Parliamentary Under-Secretary of State, Department for International Development colluded in a cover-up of HM Foreign and Commonwealth Office dereliction with Jeremy Dear, General Secretary, National Union of Journalists.

[\[Without Let or Hindrance\]](#) [\[Quid Pro Quo\]](#) [\[John Pilger - New Statesman\]](#) [\[The Journalist\]](#)

Correspondence indicates that neither the University nor PCC had any intent to process FOIA requests and PCC had no intent to process NUJ and BBC prior restraint complaints. The stonewalling tactics can only interpret as a political ploy given involvement of three Labour ministers and UK Foreign and Commonwealth Office (FCO) officials, effectively accessories after the fact to international crimes, who form an integral part of the issues under investigation.

[\[NUJ Complaint\]](#) [\[BBC Complaint\]](#)

Nmesis.

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