

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 17 August 2009

Public Authority: The Independent Police Complaints Commission
Address: 90 High Holborn
London
WC1V 6BH

Summary

The complainant requested, from the Independent Police Complaints Commission (IPCC), copies of its written procedures, protocols and policies in relation to information sharing with other public authorities. Having received its response, the complainant wrote to the IPCC making a new request. This Decision Notice covers the original request only. In relation to this request for information, the Commissioner finds that the IPCC dealt with the request in accordance with the Act and therefore he does not require any steps to be taken.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. The complainant wrote to the Independent Police Complaints Commission (IPCC) on 5 May 2008 requesting information in relation to information sharing.
'Please provide me with all the IPCC's written procedures, protocols and policies in relation to information sharing with other public authorities.'
3. On 2 June 2008, the IPCC advised the complainant that relevant documents can be found on the IPCC website and are therefore exempt under section 21 of the Act (information accessible to applicant by other means). The IPCC provided the complainant with a list of these documents, together with a link to the appropriate

part of its website. In addition it provided him with copies of a number of other relevant documents which are not available on its website.

4. The complainant contacted the IPCC on 3 June 2008 asking it to review its response. In his correspondence, he stated:

*'I made it quite clear exactly what I required via this request by taking the advice of the Information Commissioner by quoting directly from his leaflet "It's your Information. Information sharing about you". Therefore it is quite clear via my request that I am concerned with personal data and data sharing about **me** with other agencies'.*

5. The IPCC responded on 24 July 2008, confirming that it was satisfied that it had provided the complainant with all the information that fell within the request which he had made.

The Investigation

Scope of the case

6. On 25 July 2008 the complainant contacted the Commissioner to complain about the way his request for information had been handled.

Chronology

7. The Commissioner wrote to the IPCC on 3 June 2009 asking it to provide him with further representations in support of its handling of the complainant's request for information.
8. The IPCC responded on 30 June 2009 providing the Commissioner with a detailed response to his questions.

Analysis

Procedural Requirements

9. The Commissioner notes that when the complainant wrote to the IPCC on 3 June 2008 he stated:

'It is quite clear that you haven't provided one item as requested or advised me where the requested information can be found'.

10. Having considered the correspondence in this case, the Commissioner is satisfied that the complainant's request of 5 May 2008 cannot be read objectively in the way suggested by the complainant, but that the public authority's reading was an objective reading of the request. He therefore considers that the IPCC

responded in accordance with the Act when it provided the complainant with copies of its procedures, protocols and policies in relation to information sharing with other public authorities or advised him where they could be found on its website.

11. However, the Commissioner notes that when the complainant contacted the IPCC on 3 June 2008, it was on the basis that he considered the IPCC had misunderstood his request. In support of his argument the complainant stated that his request was for:

*'...personal data and data sharing about **me** with other agencies'*

12. The Commissioner considers this amounts to a new request for information as the scope of the two requests is clearly different. Therefore he considers that the IPCC should have dealt with the complainant's correspondence of 3 June 2008 as a new request instead of, or as well as, a request for a review of its decision of 2 June 2008.
13. The Commissioner accepts that the IPCC treated the correspondence as a request for internal review and provided a response to the complainant in this respect.
14. The Commissioner notes that, during the course of his investigation, the IPCC agreed to treat the complainant's correspondence of 3 June 2008 as a new request and to respond accordingly.

The Decision

15. The Commissioner's decision, which relates only to the request for information dated 5 May 2008, is that the IPCC dealt with the request in accordance with the Act.

Steps Required

16. The Commissioner requires no steps to be taken.

Right of Appeal

17. Either party has the right to appeal this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 17th day of August 2009

Signed

**Lisa Adshead
Senior FOI Policy Manager**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

General Right of Access

Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”