

Freedom of Information Act 2000

Decision notice

Date: 24 February 2014

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

Decision (including any steps ordered)

1. The complainant sent a request to the Independent Police Complaints Commission (IPCC) for the name of the member of staff who blocked his email address and also the name of the IPCC's Head of Legal Services. The IPCC provided the name of its Head of Legal Services but stated that it did not know the name of the member of staff who blocked the complainant's email address.
2. The Commissioner's decision is that the IPCC does not hold information about the name of the member of staff who blocked the complainant's email address. No further action is required.

Request and response

3. On 12 October 2013, the complainant wrote to the IPCC and requested information in the following terms:
"we request that you should provide us with the name of the Officer who had blocked the Email of [complainant's email address]"
4. The complainant followed this up on 28 October 2013 with a request for the following:
"You should provide us with the name of the Head of Legal Services Department."
5. The IPCC responded on 30 October 2013. It provided the name of its Head of Legal Services but stated that it did not hold information that could confirm which member of staff blocked the complainant's email address.

6. Following an internal review the IPCC wrote to the complainant on 1 November 2013. It upheld the original position.

Scope of the case

7. The complainant contacted the Commissioner on 2 December 2013 to complain about the way his request for information had been handled. Specifically the complainant considers that the IPCC does hold information about his request of 12 October 2013.
8. The Commissioner considers the scope of the case to be whether the IPCC holds information relevant to the complainant's request of 12 October 2013.

Reasons for decision

9. Section 1 of the Act provides that a public authority must respond to a request and confirm or deny whether the relevant information is held. If there is no reason why the information is exempt from disclosure then the public authority must provide the information to the requester.
10. In this instance the IPCC has denied that it holds the relevant information. However, the complainant considers that the IPCC does hold the relevant information and that it should be provided to him.
11. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes might be held, the Commissioner, in accordance with a number of First-Tier Tribunal decisions, applies the civil standard of the balance of probabilities.
12. The IPCC provided submissions to the Commissioner explaining why it does not hold the requested information. These stated that there is an official process for blocking email addresses, but in this instance the process was not followed. If an individual is to be placed on restricted contact then an email address can be blocked. To do this a member of IPCC staff would need to apply to a contractor which provides the IPCC's IT support.
13. It was confirmed that the complainant has not been put on restricted contact so this process should not have taken place. As the complainant was not placed on restricted contact there is no official record as to who applied to have the email address blocked.

14. The Commissioner asked the IPCC what searches it had carried out, and in response the IPCC provided a list of the various departments that are frequently in contact with the complainant as well other parts of the organisation which would be most likely to have had direct contact with the complainant. The IPCC confirmed that none of these departments had been able to locate any relevant information which would confirm who blocked the complainant's email address. The IPCC also asked the external IT contractor to search for relevant information and this again did not locate anything of relevance.
15. The IPCC explained that its computers are on a network system through a client and cannot be accessed off the network. This ensures that recorded electronic information can be searched easily. The exception to this is staff laptops, but the IPCC went to lengths to stress that its policy is that all documents created off the network must be uploaded and that the laptops have limited storage capacity to encourage this. It also explained that its laptops are only given out in response to a business need, usually for a limited time span, and are frequently wiped.
16. The IPCC also searched through its 'Aftermail' system, which holds all emails sent within the IPCC's retention period, which is generally six years. Again, this did not produce any information relevant to the complainant's request.
17. The Commissioner is satisfied that the IPCC has carried out the necessary searches to identify the requested information. Whilst under normal circumstances the Commissioner would expect the information to be held he accepts that the official procedure was not followed in this case. In the absence of any evidence to show that the IPCC does hold the requested information the Commissioner's decision is that on the balance of probabilities it is unlikely that the IPCC holds the requested information. No further action is required.

Right of appeal

18. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Alexander Ganotis
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