



police complaints
commission

Our reference: FOI 1001737

Mr Andrews
By e-mail only
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14 August 2009

Dear Mr Andrews,

Re: Your Request under the Freedom of Information Act 2000

Thank you for your e-mail dated 29 May 2009, I would like to apologise for the delay in responding to your request for information. I have a back log of requests under the Freedom of Information Act. In your e-mail you ask for the following information:

- 1. How many complaints have been made to the IPCC in the last four years citing perjury> (please list each year separately)*
- 2. How many complaints have been made to the IPCC in the last four years citing perverting the course of justice?(please list each year separately)*
- 3. How many of the complaints citing perjury have the IPCC upheld in the last four years? (please list each year separately)*
- 4. How many of the complaints citing perverting the course of justice have the IPCC upheld in the last four years? (please list each year separately)*
- 5. How many cases have the IPCC 'sent' with reference to either perverting the course of justice or perjury in the last four years? (please list each year separately)*

I am sorry to inform you that we have been unable to extract the information requested from our IPCC database. A free text search of the incident description recorded on our IPCC database using "perjury" and "perverting the course of justice" returns 875 cases. Some cases may be duplicated in this count if more than one incident description has been entered for the case reference.

Please note that the accuracy of the information using the free text search is not reliable as it uses text entered by system users. Different words or terminology may have been used and because the search is on the incident description the complaint may not be directly citing "perjury" or "perverting the course of justice".

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However, we would be able to obtain information on complaints made to the IPCC citing "perjury" and "perverting the course of justice" by locating and retrieving the information from 2004 to 2008 from 875 IPCC cases identified by the free text search.

I estimate that it would take 5 minutes to go through each case file to locate and retrieve the information.

875 IPCC case files x 5 minutes to locate and retrieve the information = 4,375 minutes divided by 60 minutes = approximately 72 hours.

We do not have the resources to locate and retrieve the information from 875 IPCC case files. Therefore, this information is exempt under section 12 of the Freedom of Information Act 2000.

Section 12 of the Freedom of Information Act states:

12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The appropriate limit is set for the IPCC at £450, which represents the estimated cost of one person spending 18 hours in determining whether the public body holds the information and locating, retrieving and extracting the information. I can confirm that I have already taken 4 hours determining whether the information requested is held by the IPCC and an estimated further 72 hours to obtain the requested information.

Therefore, I conclude that compliance with your request would exceed the appropriate limit and, accordingly, the IPCC is under no obligation to provide the information you have requested as it is exempt under section 12 of the Act.

Questions 1 to 4 will involve locating and retrieving the information from 875 IPCC case files. The free text search which identified "perjury" and "perverting the course of justice" broken down in each separate year are as follows:

2004 – 27 cases
2005 – 40 cases
2006 – 89 cases
2007 – 361 cases
2008 – 358 cases

Under section 16 of the Freedom of Information Act, you may wish to narrow your request. Locating and retrieving information from 2004 to 2006 will fall within the appropriate limit of 18 hours. I would be grateful if you could please confirm in writing if you wish to receive this information.

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I also require further clarification for question 5; I am unclear about what is being asked. You ask "How many cases have the IPCC 'sent'? Do you mean "How many cases have the IPCC 'sent' **to the police forces?**

5. How many cases have the IPCC 'sent' with reference to either perverting the course of justice or perjury in the last four years? (please list each year separately)

Please note that I am writing under section 1(3) of the Freedom of Information Act 2000:

1. General right of access to information held by public authorities
(3) Where a public authority—

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

I would be grateful if you could be more specific, your response will enable me to locate the information you require.

I have carefully considered your request under the provisions of the Freedom of Information Act. If you are not satisfied with this response you may request an independent internal review by our FOI appeals officer, who has had no involvement in dealing with your request.

If you wish to appeal against this decision, please contact:

Freedom of Information Act Appeals
IPCC
90 High Holborn
London
WC1V 6BH

E mails should be clearly marked 'Appeal against FOI decision' and sent to:
foi@ipcc.gsi.gov.uk.

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, I should point out that under section 50(2)(a) of the Freedom of Information Act, you are obliged to exhaust the IPCC's own internal complaint mechanism before complaining to the Information Commissioner.

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I look forward to hearing from you if you wish to narrow your request to receive information held by the IPCC from 2004 to 2006, and provide further clarification for question 5.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'V. Parker', enclosed within a hand-drawn oval.

Ms V. Parker
Freedom of Information Officer
Independent Police Complaints Commission