

Our reference: FOI 1001965

Mr Philip Swift

By e-mail only
request-21546-dedaf4ce@whatdotheyknow.com

24 February 2010

Dear Mr Swift,

90 High Holborn
London WC1V 6BH

Tel: 020 7166 3000

Fax: 020 7404 0430

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Email: enquiries@ipcc.gsi.gov.uk

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Re: Your Request under the Freedom of Information Act 2000

Thank you for your e-mail dated 22 October 2009, I would like to apologise for the delay in dealing with your request. This is the result of the large number of requests for information received by the IPCC in recent months which has resulted in a significant backlog of work. In addition, many of the requests we have received have taken some time to complete due to the amount and complexity of information requested in individual cases.

In your e-mail of 22 October 2009, you ask for the following information:

I ask to be provided, for the calendar years of 2006, 2007, 2008 and 2009 (to date):

1. The number of Judicial Reviews in which the IPCC has been involved i.e. how many cases for the above calendar years have been presented to a Judicial Review that has concluded.
2. the number of the cases at '1' above that have resulted in the Judicial Review finding against the IPCC i.e. how many cases have the IPCC 'lost'.
3. The costs to the public purse of '2' i.e. the cost of the IPCC's defence and the claimant's costs (please provide these as separate figures, per case and the sum paid to the claimant, by case.
4. with regard to those cases the IPCC 'won' at Judicial Review (likely to be '1' above minus '2' above), the amounts awarded by the Court to the IPCC i.e. the costs awarded to the IPCC against the claimant.
5. with regard to those cases the IPCC 'won' at Judicial Review the number of cases in which the Court did not award costs to the IPCC against the claimant.

Our reference: FOI 1001965

6. with regard to '4' above, the sum the IPCC has to date recovered from claimants.

With regards to questions 1,2,4,5 and 6 the information requested is held by the IPCC, the number of Judicial Reviews received by the IPCC has only been recorded since **May 2009**. I would only be able to provide the number of Judicial Reviews received by the IPCC from May 2009 to 18 February 2010.

I can confirm that since May 2009 to 18 February 2010 the IPCC recorded 128 Judicial Reviews.

The IPCC would have to look through all the case files to locate and retrieve the information requested about Judicial Reviews. It is estimated that it would take at least 40 minutes to go through each Judicial Review case file.

128 Judicial Reviews X 40 minutes per case file = 5,120 minutes

5,120 minutes divided by 60 minutes = 85 hours

I am sorry but your request exceeds the appropriate limit 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 5 hours determining whether the information requested is held by the IPCC and an estimated further 85 hours to obtain the requested information from the recorded information from May 2009.

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.

Under section 16 of the Act it is the IPCC's duty to provide advice and assistance. It may be possible for you to narrow your request to fall within the appropriate limit. You may wish to look at 20 Judicial Review case files.

20 Judicial Reviews X 40 minutes = 800 minutes
800 minutes divided by 60 minutes = 13 hours

Our reference: FOI 1001965

As I have already spent 5 hours determining whether the IPCC holds the requested information, 13 extra hours will make your request fall within the appropriate limit of 18 hours.

With regards to question 3 "The costs to the public purse of '2' i.e. the cost of the IPCC's defence and the claimant's costs (please provide these as separate figures, per case and the sum paid to the claimant, by case".

This information is held but not recorded by the IPCC. I checked with our finance section and they confirmed that there is a cost code for the Directorate of Legal Services. Locating and retrieving this information will involve going through each invoice to determine the cost of IPCC's defence and the claimant's costs. The invoices paid by the Directorate of Legal Services during the following financial years are as follows:

2006-2007 - 156 invoices paid

2007-2008 - 165 invoices paid

2008-2009 - 242 invoices paid

2009-2010 - 148 invoices paid

Kindly note that this list is not exhaustive of all invoices paid by the Directorate of Legal Services.

It is estimated that it will take 10 minutes to locate and retrieve each invoice.

2006-2007 - 156 invoices paid x 10 minutes = 1,560 divided by 60 minutes = 26 hours

2007-2008 - 165 invoices paid x 10 minutes = 1,650 divided by 60 minutes = 27 hours

2008-2009 - 242 invoices paid x 10 minutes = 2,420 divided by 60 minutes = 40 hours

2009-2010 - 148 invoices paid x 10 minutes = 1,480 divided by 60 minutes = 24 hours

I am sorry but your request exceeds the appropriate limit 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

Our reference: FOI 1001965

information and locating, retrieving and extracting the information. I can confirm that I have already taken 5 hours determining whether the information requested is held by the IPCC and an estimated further 117 hours to obtain the requested information from the recorded number of invoices from 2006 to date.

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.

Under section 16 of the Act it is the IPCC's duty to provide advice and assistance. It may be possible for you to narrow your request to fall within the appropriate limit. As I have already spent 5 hours determining whether the IPCC holds the requested information, 13 extra hours will make your request fall within the appropriate limit of 18 hours.

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.

I look forward to hearing from you if you wish to narrow your request to make it fall within the appropriate limit.

Yours sincerely,



Ms Vangie Parker
Freedom of Information Officer
Independent Police Complaints Commission