

Your Reference:
Our Reference: PJ/1001948

Mr Andrews
By e-mail to:
request-24205-5c0ad11e@whatdotheyknow.com

05 February 2010

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Mr Andrews,

YOUR REQUEST FOR INFORMATION

I refer to your email of 3rd December 2009, in which you ask for copies of all guidance, manuals, instructions, or other material associated with a complainants access to their complaint file.

I can confirm that the following relevant information is held by the IPCC.

Pages 34-36 of the IPCC Appeals Manual for casework managers are concerned with investigation appeals and refer to the functions of the IPCC in relation to an appeal on the ground that the complainant has been provided with inadequate information by the investigating police force. The manual is available on the IPCC web site at [http://www.ipcc.gov.uk/appeals_section - 0107.pdf](http://www.ipcc.gov.uk/appeals_section_-_0107.pdf)

The IPCC Statutory Guidance to police forces 'Making the Police Complaints System Work Better' contains a section explaining how police forces should give effect to the information duty to complainants and others provided for in sections 20 and 21 of the Police Reform Act 2002, Section 5.5 'Recognising the right to information' is on pages 30-33. The current Statutory Guidance is available on the IPCC web site at http://www.ipcc.gov.uk/stat_guidelines.pdf A new version of the Statutory Guidelines will be published in the near future.

In addition, the IPCC document 'Making Information Available' sets out general principles as to the release of case-related and other information held by the IPCC. This is available on the IPCC web site at http://www.ipcc.gov.uk/making_information_available-2.pdf

The IPCC document 'Freedom of Information Guide for Casework' includes guidance to casework managers on how to deal with requests for information held in respect of their cases. I am disclosing this document together with this letter.

I find that the IPCC is under no obligation to release to you the information described above which is available on the IPCC web site because this information is exempt from the general

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right of access by virtue of section 21 of the Act, which section is concerned with information reasonably accessible to the applicant by other means.

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 complain about any aspect of this decision, please contact:

Freedom of Information Act Complaints

IPCC

90 High Holborn

London

WC1V 6BH

E mails should be clearly marked 'Complaint 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 normally obliged to exhaust the public authority's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely

Philip Johnston
Independent Police Complaints Commission