



Home Office

Information Rights Team Shared Services Directorate

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Mr Tony Pendragon
request-2712-f236f7eb@whatdotheyknow.com

Our Ref: 10163
Date: 11 December 2008

Dear Mr Pendragon,

I am writing further to my letter dated 24 October 2008, regarding your application for an internal review of the response to your Freedom of Information request.

I have now completed a full review of the handling of your request. This matter has been treated on its own merits and all papers originally considered have been re-considered as part of the internal review.

In your request of 29 August 2008, you asked a number of questions relating to the Home Office's role in relation to ensuring the accountability of the IPCC. In the first part of your request you specifically asked:

'Can you please produce to me any guidance, requirements, protocols, procedures or information that relates to how the Home Office ensures full and effective scrutiny and accountability of its quango the IPCC?'

Although, I am satisfied that the response provided to you on 23 September 2008, adequately explained the nature of the relationship between the Home Office and the IPCC, there was a technical failure to comply with the requirements of section 1(1)(a) of the Act. Section 1(1)(a) states:

'1(1) 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...'

Therefore, while I am satisfied that the letter satisfied our requirements to advise and assist you under the provisions of section 16 of the Act, please accept this letter as confirmation that no information is held regarding how the Home Office ensures the full and effective scrutiny of the IPCC. As previously explained to you, the IPCC became operational on 1 April 2004, following the ascent of the Police Reform Act (2002). The Police Reform Act set out the IPCC's role as the sole guardian of the police complaints system and guarantees the independence of the Commission.

Although it is fully funded by the Home Office, it is free to investigate complaints without outside interference.

While the Police Reform Act gave the Secretary of State powers to lay annual reports before Parliament, to appoint Commissioners and in certain specifically defined circumstances dismiss them, it gave the Home Office and the relevant Secretary of State no powers to intervene in the operation of the Commission or any investigation that may be conducted.

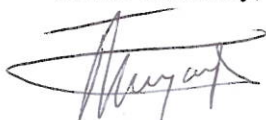
In paragraphs two and three of your request you asked a number of additional questions regarding data loss and the oversight responsibilities of the Home Office. Notwithstanding the information that was provided in response to your original request and above, I should inform you that the Home Office does not consider the questions you have raised in paragraphs two and three of your request to be valid requests for information under the terms of the Act.

This is because only correspondence requesting the disclosure of information which the applicant believes to be held by the Home Office needs to be answered under the terms of the Act, other correspondence, which poses more general questions about our policies and activities etc (e.g. hypothetical questions or, what are you going to do about a particular issue?), but does not request disclosure of actual information is often technically not an FOI request. Therefore although a full explanation of the relationship between the IPCC and the Home Office has been provided, and I am confident that we have fulfilled our duties under section 16 of the Act, we do not consider this part of your correspondence to be a valid request. Members of the public can find advice on how to make a Freedom of Information request on the following website - <http://www.direct.gov.uk/en/index.htm>. Further guidance can be found, for individuals wishing to make requests for information held by this department, on The Home Office's dedicated Freedom of Information webpage - <http://www.homeoffice.gov.uk/about-us/freedom-of-information/>.

Should you remain dissatisfied after this internal review you have the right of complaint to the Information Commissioner, as established by section 50 of the Freedom of Information Act. You can write to him at:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Yours sincerely,



John Bragaglia
Information Access Consultant