

Your Reference:  
Our Reference: PJ/1002080

Mary Hughes  
By e-mail to:  
[request-30608-3f3d9bd6@whatdotheyknow.com](mailto:request-30608-3f3d9bd6@whatdotheyknow.com)

26 April 2010

IPCC Contact:  
Philip Johnston  
Tel: 020 7166 3000  
[phil.johnston@ipcc.gsi.gov.uk](mailto:phil.johnston@ipcc.gsi.gov.uk)

Dear Ms Hughes,

## **YOUR REQUEST FOR INFORMATION**

I am sorry about the delay in replying to your e-mail of 11<sup>th</sup> March 2010 in which you request information in relation to Statutory Instrument 2004 No. 815.

All UK Statutory Instruments are available either on line via the web site of the Office of Public Sector Information ([www.opsi.gov.uk](http://www.opsi.gov.uk)) or on request to one of TSOs agents or distributors (see <http://www.tsoshop.co.uk/bookstore.asp?FO=1233470> for more information)

You state that SI 2004 No. 815 gives to the Commission the powers allowed to the police and the National Crime Squad under the Police and Criminal Evidence Act. The explanatory note to SI 2004 No. 815, however, states:

*This Order gives to the Independent Police Complaints Commission ("the IPCC"), its officers and employees powers under Part 3 of the Police Act 1997 ("the 1997 Act") and Parts 2 and 4 of the Regulation of Investigatory Powers Act 2000 ("the 2000 Act") equivalent to those exercisable by the police.*

You request "a full copy of the guidelines you were given on how to use them to help people who complained about the police". The Commission's powers under the Police Act 1997 and the Regulation of Investigatory Powers Act 2000 are some of the investigatory powers used by the Commission in carrying out its own investigations under the Police Reform Act 2000. I would refer you to the IPCC web site and in particular the Commission's annual reports, available on the IPCC web site at

[http://www.ipcc.gov.uk/index/resources/evidence\\_reports.htm](http://www.ipcc.gov.uk/index/resources/evidence_reports.htm), for further information about IPCC investigations and the way in which the IPCC uses its investigatory powers in practice.

The Home Office issues Codes of Practice as to the exercise of investigatory powers under the Regulation of Investigatory Powers Act 2000 and these can be viewed on line at <http://security.homeoffice.gov.uk/ripa/making-an-app-under-RIPA/codes-of-prac/>

I find, therefore, that the information held by the IPCC in answer to your request is already accessible to you and is for that reason exempt from the general right of access by virtue of the

exemption contained in section 21 of the Act, which concerns information reasonably accessible to the applicant.

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](mailto: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.

Thank you for your interest in the IPCC.

Yours sincerely

**Philip Johnston**  
**Independent Police Complaints Commission**