



Police Complaints  
Commission

Our Ref: Fol / 1002081  
Our Ref: Legal File Reference - 00000162

**Mark Purdy**  
**By e-mail to:**  
**Request-30719-a42cf701@whatdotheyknow.com**

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2<sup>nd</sup> June 2010

Dear Mr Purdy

**Re: Request for a review of the IPCC's decision under the Freedom of Information Act 2000 (Fol)**

I write in response to your e-mail of 13 May 2010 requesting an internal review of the IPCC's Fol decision communicated to you by letter dated 12 May 2010 (the **Decision Letter**).

In your e-mail of the 13 May 2010 you state that: *"...I am not 100% happy with the response as I am unaware of a category of staff known as 'deputy senior investigator'. As such I would request that as part of this request the names of those deputy senior investigators that are former or current Police officers / civilian staff is released."*

Therefore, bearing in mind the focus of your request for an internal review as quoted above, I have provided below a short précis of what a deputy senior investigator is and does (to give you more information about this category of staff) and then I have dealt with your request for the names of those deputy senior investigators that are former or current police officers / staff.

### **Deputy Senior Investigators (DSIs)**

DSIs are responsible for the investigation of allocated cases and / or leading a team of investigators as directed. Their main duties and responsibilities include: leading a team of investigators as directed; allocating investigations to investigators and supervising case progress; providing advice and guidance to Investigators; undertaking the investigation of complex cases involving both criminal and disciplinary allegations, where directed; taking witness statements, interviewing, preparing casework and making recommendations for criminal and disciplinary action; taking part in court, misconduct and associated proceedings where necessary; assessing the accuracy, completeness and quality of work submitted by Investigators; visiting incident scenes and supervising scene management ensuring that all necessary action is taken to preserve and recover evidence.

## **Request for release of the names of DSIs that are former or current police officers / civilian staff**

I have reviewed the Decision Letter which applies the exemption from release of this information further to section 40(2) and 40(3)(a)(i) FoI. I have reviewed the reasoning deployed in support of the application of this exemption and I consider that the reasoning was sound and it was an appropriate use of the exemption.

The information sought is personal data such that the Data Protection Act 1998 (DPA) is engaged. The Decision Letter correctly considers whether disclosure of this personal data would contravene any of the data protection principles and correctly focuses on the first data protection principle (that processing of personal data should be fair and lawful and at least one of the Schedule 2 DPA conditions met).

In terms of fairness, in my view the Decision Letter takes appropriate factors into account and draws the correct distinction between senior and more junior members of staff in terms of what personal information they expect to have disclosed about them.

The Decision Letter makes reference to the fact that more senior members of staff are likely to be responsible for making significant policy decisions and / or decisions as to the expenditure of significant public funds.

The Decision Letter concludes that Senior Investigators (SIs) fall into the category of more senior members of staff with a reasonable expectation that their career history would be disclosed where this is directly relevant to issues of transparency and accountability and the performance of their current duties. The Decision Letter concludes that more junior members of staff do not fall into this category.

In my view the Decision Letter goes on to correctly consider Schedule 2 of the DPA and in particular Condition 6(1) of Schedule 2. In my view the legitimate public interest is met by disclosure of: the names of the SIs (who are ex-police officers); confirmations of the numbers of serving and former police officers and police staff at the IPCC and the positions they hold; and the existence of internal rules and procedures with the aim of safeguarding the independence of the IPCC.

In my view, the above reasoning applies to DSIs. Whilst DSIs do have a higher level of responsibility in terms of the progression of investigations compared with Investigators, they are not sufficiently senior to be responsible for making significant policy decisions and / or decisions as to the expenditure of significant public funds. In my view, the correct threshold for disclosure of names has been put at Senior Investigator level.

I can of course confirm, as per the Decision Letter, that "there are no serving police officers or police civilian staff currently working for the IPCC." Therefore, this includes DSIs.

However, for completeness I can confirm that the Director of Investigations, Moir Stewart, is a former police officer. His profile is included on the IPCC website ([www.ipcc.gov.uk](http://www.ipcc.gov.uk)) and clearly details that he is a former police officer. Therefore, it

is arguable that this information is exempt because it is accessible to you by other means (section 21 FoI). However, bearing in mind the seniority issues brought into play by this FoI request, I considered it sensible to include this information in this review letter.

Furthermore, in relation to the independence of the IPCC, I should like to point out that the IPCC Chair and IPCC Commissioners cannot by law have been serving police officers in any part of the UK before they become IPCC Commissioners (see section 9 of the Police Reform Act 2002). This is relevant because the IPCC Chair and Commissioners form the governing board of the IPCC and have collective responsibility for the governance of the Commission including oversight of the Executive. As public office holders, operational Commissioners oversee and take ultimate responsibility for IPCC investigations, casework and the promotion of public confidence in the complaints systems (known as guardianship). Therefore, they have an important role in safeguarding the independence of the IPCC.

I hope that you appreciate the reasons for the refusal of your request under the FoI but if you wish to appeal against this decision you may contact:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Emery', with a long horizontal flourish extending to the right.

David Emery  
Head of Legal  
**Independent Police Complaints Commission (IPCC)**