

Our reference: FOI 1001534

Mr David Grothier
By e-mail only
request-4719-9702e81c@whatdotheyknow.com

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08 January 2009

Dear Mr Grothier,

Thank you for your e-mail dated 12 December 2008, in which you ask for all information held by the IPCC about you.

Freedom of Information Act 2000

You have requested copies of information held by the IPCC about you. Having considered your request, I am unable to disclose the materials you require. This is because this information constitutes personal data, and section 40 of the Freedom of Information Act 2000 exempts disclosure of any information which constitutes personal data of which the applicant is the data subject.

Personal data relating to the person making the Freedom of Information request is exempt from the right of access under section 40(1) of the Freedom of Information Act.

40 Personal information

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

I find that disclosure of your personal information under the Freedom of Information Act would constitute unfair processing because, having regard to its context, I do not believe that you would expect your personal information to be made available to the general public on request.

Personal data related to you is exempt because Freedom of Information Act requests are applicant and purpose blind. This means that anybody can request the same information and disclosure would be to the world at large. For this reason, section 40 ensures privacy; the knock on effect of this is that the Freedom of Information Act is an insufficient means of obtaining disclosure of personal data held by the IPCC about individuals. The Freedom of Information Act is aimed at providing organisational information, as broadly speaking only non-personal information can be supplied.

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.

January 8, 2009

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.

Data Protection Act 1998

Although the IPCC is unable to progress your Freedom of Information request, you are entitled to make a subject access request under the Data Protection Act. Such a request will enable you to obtain a copy of all the information held about you by the IPCC.

If you wish to make a subject access request you must submit an official document showing your full name(s) and current address. I understand that this sounds over bureaucratic however, the Data Protection Act provides for such safeguards and I am sure you can appreciate that such ***identification is required to ensure that personal data is protected and only released to the correct person.*** Once we have received a copy of your identification, your request will be completed within 40 calendar days. Without such identification we will not be able to proceed with the request.

The following are examples of the documents which are acceptable for this purpose:

- Full (not provisional) driving licence
- NHS Medical Card
- Pension Book

Other official documents that show only full names, for example Passport or birth/adoption/marriage certificates will be acceptable provided that they are accompanied by additional documents confirming the applicant's current address. The following are examples of documents that can be used to confirm the applicant's current address:

- Utility Bill
- Bank or credit card statement

Utility bills and bank statements will not be accepted if they are more than 6 months old.

We will return official documents by special delivery to ensure it does not get lost in the post.

January 8, 2009

If you feel uncomfortable sending the IPCC your original documents, you are within your rights to ask your GP or a solicitor to certify the copies and send the copies signed by a doctor or a solicitor directly to us. Please include the name and contact number of your doctor or solicitor to enable us to verify their signature.

I hope this has helped explain in greater detail your information rights. I look forward to hearing from you if you wish to appeal the Freedom of Information Act decision or make a subject access request under the Data Protection Act.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'VP' with a flourish underneath.

Ms Vangie Parker
Freedom of Information Officer
Independent Police Complaints Commission