

Our reference: 1005999



independent  
police complaints  
commission

Sent by email to: Rob Warner  
request-338377-37e0d3de@whatdotheyknow.com

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1 July 2016

PO Box 473  
Sale M33 0BW

Blwch Post 473  
Sale M33 0BW

Tel/Ffôn: 0300 020 0096

Fax/Ffacs: 0207 166 3306

Text relay/Cyfnewid Testun: 18001 0207 166 3000

Email/E-bost: enquiries@ipcc.gsi.gov.uk

Web/Gwefan: www.ipcc.gov.uk

Dear Mr Warner

Thank you for your email to the IPCC, dated 5 June 2016, in which you request information about the IPCC's investigation into the handling of Rotherham CSE matters by South Yorkshire Police. This request has been treated in accordance with the Freedom of Information Act 2000(FOIA).

In your request you have asked for

*1) Please provide me with any further information, notices or memos that update the IPCCs current position in relation to these investigations.*

*2) How many misconduct notices have been served in relation to the investigation?*

*3) Of those officers served with misconduct notices so far, how many have retired, been dismissed from the force or taken redundancy?*

*4) From the above figures (re question 2), how many of those officers that have left the force have retained full pension?*

And in a follow up request you asked for:

*3a) How many officers who have been served notices still remain employed by the police service?*

*3b) What are the respective ranks of all the officers that have been served notices?*

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I can confirm that we hold some of the information that you have requested. I have incorporated your questions into my response for the purposes of clarity.

- 1) *Please provide me with any further information, notices or memos that update the IPCCs current position in relation to these investigations.*
- 2) *How many misconduct notices have been served in relation to the investigation?*
- 3) *Of those officers served with misconduct notices so far, how many have retired, been dismissed from the force or taken redundancy?*
- 3a) *How many officers who have been served notices still remain employed by the police service?*

I can confirm that our press team will be issuing an update on the matter you are concerned with. This update should be issued within the next month, therefore I am exempting from disclosure any information in relation to this question by virtue of section 22 of the FOIA. Section 22 of the FOIA states that information is exempt if the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date. As we are intending to publish further information in relation to this matter in the coming month I consider that this exemption is fully engaged.

*3b) What are the respective ranks of all the officers that have been served notices?*

We can confirm that we hold this information. There are a range of ranks, which have been served notices, from uniformed officers to detectives. However we are unable to disclose information in relation to what these ranks are as this information would lead to the identification of the officers which is contrary to the data protection principles.

We are withholding the disclosure of this information in accordance with section 40(2) of the FOIA. Section 40(2) of the FOIA exempts a public authority from the duty to disclose information if in doing so would:

- Constitute a disclosure of the personal data to someone other than the person making the request; and
- This disclosure would breach any of the data protection principles within the DPA.

The information considered for disclosure clearly relates to a living individual who can be identified from that information. Therefore I find that the information constitutes personal data and so I must consider the implications of this disclosure with regard to the DPA.

The relevant principle in this case is data protection principle one. This principle requires that the IPCC processes personal data both fairly and lawfully. Personal data should not be processed unless at least one of the legitimising conditions in schedule 2 of the DPA and in the case of sensitive personal data an addition condition in schedule 3 are met. In this case the information you have requested, contains information which I believe constitutes personal data. This relates to individuals who would not reasonably expect their information to be placed into the public domain. Nor do we have any legitimising condition to disclose this information. Therefore I conclude that the disclosure of the

information would breach the first data protection principle and therefore the DPA.

Section 40(2) is an absolute exemption therefore it is not subject to the public interest test.

*4) From the above figures (re question 2), how many of those officers that have left the force have retained full pension?*

I can confirm that we do not hold this information

If you have any queries or concerns about this letter please do not hesitate to contact me. Please remember to quote the reference number above in any future communications about this request.

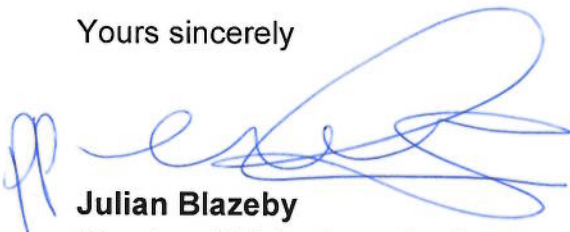
If you are not satisfied with this response you may request an independent internal review by our FOI appeals officer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Senior Reviewer  
Independent Police Complaints Commission  
90 High Holborn  
London WC1V 6BH

All emails requesting a review should be sent **directly** 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 IPCC's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely



**Julian Blazeby**  
Director of Major Investigations  
Independent Police Complaints Commission

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