

Our reference: FOI/1005999

Rob Warner

By email to:

request-338377-

37e0d3de@whatdotheyknow.com

31 October 2016

Dear Mr Warner,

Re: Your request to the IPCC – Freedom of Information Act 2000 (FOIA)

Thank you for your email of 3 July 2016, in which you complain about the IPCC's response to the request you made on 5 June 2016.

Please accept my apologies for the delay in replying.

Your email has been passed to me to consider whether the IPCC's handling of your request was compliant with the Freedom of Information Act 2000 (FOIA). I have had no previous involvement in your FOIA request to the IPCC.

You complain about the IPCC's refusal to answer paragraph 3(b) of your request. This was:

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

In his response of 1 July 2016, Mr Blazeby stated:

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

Mr Blazeby then explained that in his view he was not obliged to provide any further information under this question because it engages the exemption under section 40(2) of the FOIA.

I have decided that you are entitled to know that misconduct notices have been served on 24 constables and 7 sergeants. Therefore, your complaint about our handling of your request has been upheld to the extent that you should have been provided with this information, which is not exempt from your right of access.

The other 7 officers who are subjects of this investigation would be reasonably likely to be identified if their ranks were confirmed, meaning that the information you have requested would constitute their personal data. I have decided that they would be identifiable from their ranks having noted that:

- there are or were a small number of officers who held these specific ranks in this specialised field of policing in Rotherham; and
- the high level of public concern about this case would, when the amount of information already available is also taken into account, be likely to motivate an individual to seek to identify these officers and succeed in doing so.

It is accepted that that this case raises serious questions about the conduct of police officers and, for this reason, the IPCC will be deciding at the appropriate time whether any officer should be named as having been charged with an offence or with gross misconduct. However, the identification of an officer as a subject of the continuing investigation would be likely to result in unwarranted distress or other detriment because this would necessarily connect the professional conduct of that individual to a matter of grave public concern, before it has been established that they have a case to answer for any criminal offence or gross misconduct.

For these reasons, I consider that the disclosure of any further information in answer to part 3(b) of your request would engage the exemption under section 40(2) of the FOIA because it would contravene the first data protection principle.

As you may be aware, you can complain to the Information Commissioner's Office about our handling of your request. Contact details are available at www.ico.org.uk .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Knight', written in a cursive style.

David Knight

Independent Police Complaints Commission

90 High Holborn

London WC1V 6BH

