

Our reference: 1007602



Martin McGartland

By email:

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4 June 2019

Dear Mr McGartland

Your request for information

We refer to your email of 3 May 2019 in which you request information from the IOPC. We have considered your request under the Freedom of Information Act 2000 (FOIA) and this letter sets out our decision.

Your request is as follows:

As you will be very well aware I have already made complaints to your Internal Investigations Unit (IIU) but they (as they have done with my previous complaints) have not carried out any type of proper 'investigation'. All that they have done (as with previous complaints) is either fail to record, properly investigate, whitewash, cover up (including ignoring evidence) to protect IOPC/IPCC staff. The IIU just like the IOPC/IPCC is corrupt when it concerns me, my cases.

Under the FOIA I would like to know;

- 1. Who investigates the IIU? (please supply full contact details)*
- 2. How many complaints in total (from complaints) have been made against IIU, its staff during the previous 3 years ?*

This part of the review relates to all complaints (those which were / and those which were not recorded). I would like this information broken down i.e. 2017 to 2017, 2017 to 2018, 2018 to 2019...

3. *How many complaints made against IIU, its staff during 2 above were;*

- a. Never recorded or investigated?*
- b. Recorded and investigated?*
- c. Not upheld?*
- d. Upheld?*

4. *How many IIU complaints investigations has resulted (during past 3 years - 2 above) in IOPC/IPCC staff being disciplined?*

We are refusing your request under section 14(1) of the FOIA. This states:

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

The Tribunal has defined 'vexatious' as "*the manifestly unjustified, inappropriate or improper use of a formal procedure*". The concept of proportionality is critical to the question of whether this definition applies to a particular request. The Tribunal has stated:

"There must be an appropriate relationship between such matters as the information sought, the purpose of the request and the time and other resources that would be needed to provide it".

Applying these principles, we have considered whether your purpose in making this request could justify the resources that would have to be committed to answering it. Our conclusion is that your request is vexatious when considered in its surrounding context because it then becomes clear that compliance would result in a disproportionate or unjustified level of disruption to the IOPC.

Our reasons for this decision are the same as we gave for refusing a number of your previous requests as vexatious. We would refer you to our letters of 8 April 2019 (request reference 1007500), 15 May 2019 (1007569) and 16 May 2019 (1007516 and 1007529). These letters refer, in turn, to the Information Commissioner's decision notices of 26 September 2017 (FS50683023 and FS50690461) and our earlier correspondence with you explaining why your requests engage section 14(1).

In regard to the specifics of this request, we note that you are seeking details about complaints against the IOPC Internal Investigations Unit because you believe that its handling of your complaints is corrupt. This continues the theme of your

correspondence with the IOPC in general and was a significant factor in the Information Commissioner's finding that the purpose and value of your requests did not justify the work involved in compliance. We have also noted that answering your latest request would impose a significant burden on the IOPC; had it not done so, we may have considered providing the information.

Please remember to quote our reference number 1007602 in any future correspondence about this request.

If you are not satisfied with this response you may request an internal review by an independent internal reviewer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please provide your representations and grounds for complaint to the following address:

Reviewing Officer
Independent Office for Police Conduct
PO Box 473
Sale M33 0BW

All emails requesting a review should be sent **directly** to:
dpo1@policeconduct.gov.uk

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, we 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 internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely



Chris McCoy
Operations Manager
Independent Office for Police Conduct (IOPC)