

Your Reference:
Our Reference: PJ/1002620

David Grothier
By e-mail to:
request-71187-655c83cb@whatdotheyknow.com

29 July 2011

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Mr Grothier,

Re YOUR REQUEST – FREEDOM OF INFORMATION ACT 2000 (FOIA)

I refer to your e-mail of 1st July 2011.

You make the following request:

I wish to know who exactly in the IPCC made the decision not to continue investigating my clearly substantiated complaints against Dyfed Powys Police and who it was that decided to further abuse my position in blocking all communication with said IPCC.

As you may be aware the Freedom of Information Act (FOIA) is concerned with public access to information which should be made available in the general public interest. The FOIA therefore provides a *general* right of access to information held by public authorities, thus enabling any person to apply to a public authority for the information it holds. FOIA is said to be 'applicant blind', so that the general right of access applies equally to any person requesting the information, regardless of his or her identity. This means that your entitlement under FOIA to see information about yourself will be no different to that of any other person seeking the same information about you.

I have decided that the information you are seeking would, if it was held by the IPCC, constitute your personal data as defined in section 1(1) of the Data Protection Act. Information that constitutes the personal data of the requester falls within the terms of the absolute exemption in section 40(1) FOIA. As this is an absolute exemption, information falling into this category can be refused without also confirming that the public interest in maintaining the exemption outweighs the public interest in disclosure.

I have concluded, moreover, that the general public is not entitled to know whether or not the IPCC holds any information relating to a complaint against police made by an individual named David Grothier.

Therefore, having considered your request under the Freedom of Information Act, I find that I am under no obligation to confirm or deny whether the IPCC holds the information you have requested. This should not, however, be taken as conclusive evidence that the information you have requested exists or does not exist. In reaching this decision I have taken into account the application of the exemption contained in section 40(5)(a) to the information described in the request.

July 29, 2011

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

Amanda Kelly
Director of Business Services
Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH

All emails requesting a review should be sent **directly** to: amanda.kelly@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 FOIA, you are normally obliged to exhaust the public authority's own internal complaint mechanism before complaining to the Information Commissioner.

Other matters

Information refused under section 40(1) and section 40(5)(a) FOIA may be available to the same requester under section 7 of the Data Protection Act 1998. As I have explained to you, under section 7(3) of the Data Protection Act 1998 a data controller is not obliged to comply with a subject access request where he reasonably requires further information in order to satisfy himself as to the identity of the person making a request. I note that you have provided a case reference but I do not find that this amounts to evidence of identity which is sufficient to enable the IPCC to publish personal data on whatdotheyknow.com.

I confirm, however, that your current postal address may be sufficient proof of your identity to enable us to progress your request. It is a matter for you whether you wish to place your postal address on whatdotheyknow, but I would strongly advise against placing these personal details on a publicly accessible web site. I would recommend, therefore, that you contact the IPCC about your request by means of a letter, personal e-mail or phone call so that your privacy is protected.

Yours sincerely

Philip Johnston
Independent Police Complaints Commission