

Our reference: 1007516 & 1007529



Martin McGartland
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16 May 2019

Dear Mr McGartland

Your request for information

This letter responds to your requests for internal review of our decisions on the requests you made on 18 and 26 March 2019.

Your emails have been passed to me to consider whether our handling of your requests was compliant with the FOIA and I confirm that I have had no previous involvement in these requests.

I have considered these requests together because both were refused as vexatious under section 14(1) of the FOIA after taking into account their relationship to the context and history of your previous contact with the IOPC.

Your request of 18 March relates to the time allowed for appropriate authorities to make recording decisions. This follows from your correspondence with the IOPC about a complaint you had made against Northumbria Police.

In your request of 26 March you asked for information about contact between the IOPC Director General and Northumbria OPCC in connection with a complaint you had made under the Police Reform Act.

In your emails requesting that our FOIA decisions be reviewed, you complain that our refusals under section 14(1) are further evidence of IOPC and police corruption aimed at concealing the facts about your police complaint cases.

In relation to our response to your request of 18 March 2019 (our reference 1007516), you make the following comment:

“For the record / fyi... the information that you have copied and pasted (and which you / others within the corrupt IOPC/IPCC are using in a Blanket format to refuse my FOI's) is based on lies, IOPC/IPCC corruption. The evidence, and there is a lot, shows (will prove) that this too is part of the IOPC/IPCC ? Police and State cover up, conspiracy and corruption in my cases. All to cover up the events, the serious corruption, the criminal conspiracy, the failures Etc by police / State in my cases since 17 June 1999 and right up to the present day.”

As regards our handling of your request of 26 March 2019 (our reference 1007529) you state:

“It is not surprising that this request has been refused... Mr Lockwood has been personally involved in a case (by his direct contact with PCC Vera Baird / OPCC Northumbria) that the IOPC/IPCC had already Withheld, in which they had ordered an investigation into complaints I have made against Northumbria Police CC Winton Keenen (who Vera Baird is failing to investigate). The IOPC/IPCC case officer who dealt with the case, as you Lianne Corris will be aware, recommended that an external police force investigate those complaints, not Vera Baird / her Force (Northumbria Police).

What is surprising (well not really given history) is that you too had been dealing with this matter (well refusing to deal with) in which this request relates to, i.e. contact between Mr Lockwood and Vera Baird / OPCC Northumbria. And now you (as well as Mr Lockwood / IOPC/IPCC) are covering up the request / requested information. This is when you too have had some direct involvement in above matter.

I have emails (disclosed to me under DPA) which show that you were copied into to correspondence between Vera Baird / OPCC Northumbria and Mr Lockwood. There must be a conflict here, yes. Have you declared / registered such a conflict? If so, why are you dealing with a request that relates to a matter (documents) that you were involved in. If not, why not?

What the hell is going on.”

I have decided to uphold our refusal of both of these requests under section 14(1) of the FOIA. In making my decision I have taken into account the evidence put forward in our decision letters indicating that the purpose or value of your requests does not justify the disruption involved in compliance. Having also read the Information Commissioner's Decision Notices of 26 September 2017 (FS50683023 and FS50690461), I have noted the strong similarities between the context of your current requests and the evidence that led the Commissioner to the following conclusion:

"The volume and the tone of many of the requests and accompanying correspondence, suggest that he is using the FOIA regime primarily as a means to harass and disrupt the work of the IPCC, rather than to obtain information that would genuinely be of use to him and to the wider public."

It is relevant to my decision, therefore, that your emails under both requests confirm that they are closely connected with your on-going complaints against police and repeat your allegations that the IOPC is "*corrupt to the core*". For example, in your email of 13 April 2019, you state: "*I await your latest Whitewash, Lies and cover up.*"

Since October 2009, you have made in excess of 102 information rights requests to the IPCC/IOPC. You have made 36 requests under the FOIA, nine of which have been made since 18 October 2018. As we have said before, the IOPC is entitled to consider your requests in the context of our extensive course of dealings with you and the anticipated burden of complying with any future requests. In her Decision Notice FS50683023, the Information Commissioner agreed that the IPCC (as we then were) could take into account the overall burden of your requests, including the strong likelihood of further requests, when deciding whether to refuse them as vexatious:

42. Having looked at the pattern of the complainant's requests, the Commissioner also considers that any response given by the IPCC would be unlikely to be the end of the matter and would be likely to lead to follow up requests from the complainant. She is of the view that this would extend the life of the complainant's use of the FOIA to address his grievances with the IPCC, and would impose a further consequential burden on the IPCC.

For all of these reasons I have not upheld your complaints about our handling of these requests and consider that they were correctly refused under section 14(1).

This concludes my review of our handling of your information request. As you may be aware, you can complain to the Information Commissioner's Office (ICO) if you are dissatisfied with this response. Contact details are available at www.ico.org.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Ford', with a long horizontal stroke extending to the right.

David Ford
Head of National Operations
Independent Office for Police Conduct (IOPC)