

FOI ref no: SCO/FOI/23/2020

Date: 13 July 2020

By Email: request-667068-a762df1a@whatdotheyknow.com

Dear Mr Anderson,

Request for internal review of response to application for information under the provisions of the Freedom of Information Act 2000, original request first notified to Staffordshire Police on 26 May 2020 and internal review request notified on 14 June 2020.

I refer to the above request which was expressed in the following terms:

I am writing to request an internal review of Staffordshire Police, Fire and Crime Commissioner's handling of my FOI request 'Breaches of Data Protection Act.

In response to Point 1 - States the the Police Commissioner's Office was not aware of the article published in the Express and Star prior to the receipt of my FOI request sent on the 26th May 2020, however it is accepted that the Commissioner was aware of the information contained in the story prior to that date. If that is truly the case it would suggest that the Commissioner does not keep himself abreast of media coverage directly related to an important area of his responsibilities.

The responses to points 2-6 basically state that the Commissioner's office did not employ or fund the post of Mental Health Coordinator therefore cannot answer the linked questions. Whilst I understand given the answer to point 2 that the Commissioner's Office may not hold the Information requested in points 3-6, in such cases public bodies should where possible assist the person seeking the information by directing them to the public body that does hold the information. In this case are you able to direct me to where I may find the information I seek?

The response to point 7 states :

" If the answer to (1) is yes, has the PCC initiated any investigation into the actions of the MHC.
No as the member of staff was not employed or funded by the Commissioner's office."

The responses is somewhat confusing given that the response confirms that the information contained in the article was known to the Commissioner's Office appear to suggest that Staffordshire Police committed criminal breaches of the law, it is difficult to understand why the Commissioner would not have initiated an investigation, particularly given that the breach was initiated from an email address allocated to his office.

In addition since making this FIO request I was become aware that a formal complaint was made against the Chief Constable in respect of this matter in 2019. Given that the Commissioner is the appropriate authority for dealing with complaints against the Chief Constable, it would suggest that some form of investigation

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would have been required, if that is the case the response given to point 7 would seem to be either incorrect, or misleading.

In response to your request below is responses to each of the points you raise:

Response to Point 1

Further context is given below which will hopefully provide more clarity and answer point 1.

1. Was the PCC aware of the allegations contained with the article before receiving this FIO request.

The PCC was not aware of the allegations contained within the article before receiving this request. The appropriate level of staff within the Commissioner's office were notified however, this was a breach against Staffordshire Police and not the Commissioner's office, as the user was employed by Staffordshire Police and was managing data on behalf of Staffordshire Police, but they were incorrectly set up with a PCC email address. The relevant authority for such matters are the Information Commissioners Office (ICO) who are aware of the breach.

Responses to Point 3 -6

Have considered our initial response you are correct, you should have been directed to where the information may be held. So in terms of points 3 to 6 please redirect your request for these specific questions to Staffordshire Police this can be done through the following mechanisms.

By Post: Central Disclosure Unit (Freedom of Information Team)
Staffordshire Police Headquarters
PO Box 3167
Stafford
ST16 9JZ

By email: foi@Staffordshire.pnn.police.uk

Alternatively if you wish me to forward your initial complaint, points 3 to 6 only, then please provide me with your permission to transfer by email to FOI.PFCC@staffordshire-pfcc.pnn.gov.uk.

Response to Point 7

As re-clarified in point one, the user was employed by Staffordshire Police and was managing data on behalf of Staffordshire Police, not the PCC's office but as established they were incorrectly set up with a PCC email address. The relevant appropriate authority to deal with such matters is the Information Commissioners Office (ICO) who are aware of the breach.

You make reference to a formal complaint being made against the Chief Constable in respect of this matter in 2019 this matter is currently ongoing.

If you are not content with the outcome of the review, you may apply directly to the Information Commissioner to investigate. The Information Commissioner can be contacted at:

Staffordshire Commissioners Office, Ground Floor, Block 9, Weston Road, Stafford ST18 0YY

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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 08456 30 60 60 or 01625 54 57 45

Yours sincerely,

Compliance Manager

On behalf of the Staffordshire Commissioner for Police, Fire and Rescue, Crime.