

Our reference: FOI/1006370
Your reference:

Mark Ritchie
Sent by email to: request-391514-92520eb4@whatdotheyknow.com

23 March 2017

Dear Mr Ritchie,

Your request for information

Thank you for your email of 23 February 2017, in which you make a request for information.

You have requested:

What remedies are in place when a member of the public like me is blocked from discussing an appeal decision and prolonging that block by not carrying out your duties in accordance with legislation?

Your request has been considered under the Freedom of Information Act 2000 (FOIA). This obliges a public authority on receipt of a valid request to state whether or not it holds the information being requested and, if it does, to communicate that information to the applicant. This right of access applies only to recorded information that exists at the time the request is received. A public authority is not obliged by the FOIA to answer questions generally or to enter into a discussion about a particular issue.

The FOIA is applicant and motive blind. This means that both the identity of the person making the request and anything that is known about their purpose in making it, are irrelevant to their entitlement to the information they seek. This is because disclosures under the FOIA are made to the 'world at large' with the result that a

particular individual's entitlement to the information will be no different to any other member of the public who makes the same request.

Consistent with this applicant and motive blind approach, the IPCC does not correspond with complainants about their cases by means of the 'What Do They Know' (WDTK) web site or any other publicly accessible forum.

You should also be aware that WDTK is not designed as a means by which individuals can enter into correspondence with a public authority about a matter that is personal to them. I would draw your attention to the 'Help' page of the WDTK site, which states you should not include "*arguments about your case*" and confirms:

The site is only for hosting FOI requests, not for general correspondence with public authorities.

In answer to the question "*Can I request information about myself?*" the WDTK Help page further states:

No. Requests made using WhatDoTheyKnow are public, made under the Freedom of Information Act, and cannot help you find information about a private individual.

Applying these rules, my response to your request is as follows.

I have interpreted your request as seeking information about the remedies and means of challenge that are available to person whose police complaints have been the subject of a decision by the IPCC with which they do not agree. You refer to appeal decisions in particular, but the answer would be the same for any formal decision by the IPCC in respect of a complaint to which the Police Reform Act 2002 applies.

Information as to the legal rights and remedies available to police complainants in regard to decisions of the IPCC that affect them is available to you in the public domain in the form of the rules that define the duties of the IPCC and the rights that may be exercised by individuals in this context. As these sources of law are reasonably accessible to you, the IPCC is not obliged by the FOIA to provide the information it holds that is relevant to your request. This is the effect of the exemption under section 21 of the FOIA. This exemption applies to the information you have requested whether or not you need legal advice to assist you in understanding your options.

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

Senior Reviewer
Independent Police Complaints Commission
90 High Holborn
London WC1V 6BH

All emails requesting a review should be sent **directly** to: foi@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 the Freedom of Information Act, you are normally obliged to exhaust the IPCC's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely,

Directorate of Operations
Independent Police Complaints Commission (IPCC)