



**WEST YORKSHIRE
POLICE**

Disclosure Unit

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Information Management

Our Ref: 4907/20

Dear Sir/Madam

RE: Internal review of FOI 4823/20

I have been asked to review your Freedom of Information Act 2000 request as an independent person who is not involved with the original request.

Your request 4823/20 was submitted under the name 'Calderdale against Corruption'.

You have requested an internal review in relation to the request for a real name to be provided.

We write to request an internal review of West Yorkshire Police's handling of our FOI request 'Details of "L.D Macfarlane"'.

Your "Disclosure Officer", appears to be unfamiliar with the Act she attempts to quote to us, namely that she appears to be unaware that an organisation, such as ourselves, can make a legal request under that Act using the name of the organisation.

We do wish to proceed with the Internal Review as we feel there are training issues which need addressing in order to restore public confidence in West Yorkshire Police's ability to handle lawful requests pertaining to the Freedom of Information Act because if we cannot trust the police to uphold the law correctly, then who can we trust?

ICO guidance on requests submitted by organisations states;

Requests from unincorporated bodies such as campaign groups or clubs are also valid and in most cases should be accepted at face value. However, if the authority has reason to check whether the organisation is authentic, it may need to take a more pragmatic approach to validating its identity because these bodies are often relatively informal associations of people with no 'official' status.

We therefore recommend that authorities adopt a lower and more informal test for determining whether a name provided by an unincorporated body is genuine.

The only reference found in relation to 'Calderdale Against Corruption' was where it states;

"Calderdale Against Corruption is a super-group of local individuals and groups who work together to uncover corruption within our public authorities, and to bring honour, honesty and integrity back into the management of Calderdale."

A requester can be an individual, a company or an organisation, however in each case Section 8(1)(b) requires that a request for information must include the name of the requester. It is the view of the ICO that the intention of the legislation is for the requester to provide their real name so their request could be processed in accordance with the requirements of the FOIA. This is supported by the fact that there are

circumstances under the FOIA where a requestor's true identity can be relevant, for example, where an authority is considering aggregating the cost of requests or refusing a request as vexatious or repeated.

Even if a public authority suspects that the requestor is not using their real name, this does not mean that it cannot answer the request. However, where an authority does elect to comply with an invalid request, the requestor has no recourse to make a complaint to the Commissioner if they are dissatisfied with the response. This is due to the Commissioner's powers only extending to requests for information as defined under Section 8 of the Act.

I therefore believe that there were grounds to request a name and authenticity of 'Calderdale against Corruption'. When this was refused the request was still processed and completed in a timely manner.

Your complaint is not upheld.

If you are dissatisfied with the internal review decision made by West Yorkshire Police, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirement of the Act.

For information on how to make an application the Information Commissioner please visit their website at www.ico.gov.uk.

Alternatively, you can contact their helpline or write to them at:

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

FOI Help line: 0303 1231113

Yours sincerely

Gemma Burton
Disclosure Officer