



Police Investigations &
Review Commissioner

Oysterman

By Email : request-170078-559f811e@whatdotheyknow.com

25 July 2013
FOI 196

Dear <<name redacted>>

FREEDOM OF INFORMATION REQUEST FOR REVIEW OF DECISION

Thank you for your request of 24 June 2013 for a review of our response to your request under the Freedom of Information (Scotland) Act 2002 (FOISA) for

"I hear by request the following information or information that would answer the following under HM Freedom of Information (Scotland) Act 2002

A) How many complaints against the commission regarding the following issues have been lodged by the public between April 2013 and today's date and April 2007 until 1/1/2013 when the service was known as the Police Complaints Commission for Scotland.

- 1. Discrimination or prejudice as against any protected characteristic as defined by HM Equality Act 2010.*
- 2. Human Rights violations as defined under HM Human Rights Act 1998, the wider EU protocols/directives on the fundamental freedoms of EU Citizens or the UN International Declaration on Human Rights.*
- 3. Lack of due rigour, due impartiality, due process or corruption.*

I would request a full count of these complaints (if any) placed in the order of "Upheld" "Partially Upheld" and "Not-Upheld" with all details disclosed in accordance to HM Data Protection Act 1998."

Before processing your request, I require clarification on some aspects of the information you are seeking.

Point A of your request asks for details of "How many complaints against the commission....." The PIRC, and the PCCS previously receive complaints about our own organisation, eg the Commissioner, however I suspect the information you require concerns complaints about a policing body referred to us for review. Can you confirm that I am correct in my assumption?

Assuming your request is regarding complaints we review, I would like to explain how we record complaints we receive. The PCCS and now PIRC record use categories for the Head(s) of Complaint which are compiled from the application form provided by applicants wishing us to review their complaint against a policing body. These categories are similar to those used by policing bodies, and full details of these can be seen on Table 7, page 9 of the [POLICE COMPLAINTS: STATISTICS FOR SCOTLAND 2011-12](#) on our web site.

We can provide information regarding discrimination in general and racial discrimination in particular, however we do not record these across all the protected characteristics. In addition, we do not record human rights violations, although these can feature in complaints we are asked to review.

Your third request relates to due rigour, due impartiality, due process or corruption. Whilst we do categorise complaints using categories which match some of these criteria, the role of the PIRC does not permit the review of criminal complaints which fall into the domain of the Crown Office and Procurator Fiscal Service (COPFS). We do receive requests to review criminal complaints, but we refer applicants to the COPFS, and therefore would not have an outcome for these complaints.

Finally, when concluding the review of a complaint against a policing body we determine whether the complaint was handled reasonably or not reasonably. Only in exceptional circumstances do we use the categories “upheld” and “not upheld”, and this usually relates to the time taken for the policing body to investigate the original complaint.

In order to fulfil your original request we would require to examine the final report for over 600 files in order to extract the information for your request. This is likely to exceed the cost limit specified by the Scottish Information Commissioner of £600. If you wish me to determine the actual cost for your request, I can go ahead and do this. However, if you wish to focus your request within our present recording systems, this will be more straightforward.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Janice Carter', with a stylized, cursive script.

Janice Carter
Policy, Performance and Research Office