

Your Reference:  
Our Reference: 1003470

Philip Reynolds  
By e-mail to:  
request-142988-7c3dc1ba@whatdotheyknow.com

08 April 2013

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Email: enquiries@ipcc.gsi.gov.uk  
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Dear Mr Reynolds,

### **Review under the Freedom of Information Act 2000 (FOIA)**

I refer to your e-mail of 31<sup>st</sup> March 2013 requesting a review of the IPCC's response of 7<sup>th</sup> January 2013. The file has been passed to me as the IPCC's reviewing officer. The file has been passed to me as I am now the IPCC's reviewing officer following a re-allocation of responsibilities in this Directorate.

You made the following request on 20<sup>th</sup> December 2012:

*In light of Andrew Mitchell's recent experience with Police Officers manipulating evidence. Do the IPCC keep statistical data on how often complaints are made that Police lied or falsified data and if not why not?*

The response letter confirmed that the information is held by the IPCC in the form of published data relating to complaint allegations of 'irregularity in relation to evidence/perjury', this being the allegation category that most closely approximates to the types of allegation you describe.

The letter stated that the IPCC is not obliged to communicate the information to you because it is exempt under section 21(1) of the FOIA. This exemption applies to information which is reasonably accessible to the applicant otherwise than under section 1 FOIA. In your e-mail requesting this internal review you state that disclosure of the information you have requested is in the interests of the public and outweighs other issues. Section 21, unlike many other exemptions under FOIA, is not subject to the public interest test. This means that if, as a matter of fact, the information requested is accessible to the applicant by other means, then it is exempt.

Ms Davies explained that statistics relating to corruption allegations, which include allegations irregularity in relation to evidence/perjury, have been published for the years 2008/09 to 2010/11 in the IPCC's Corruption Report Part 2 which is accessible to you at [http://www.ipcc.gov.uk/en/Pages/ipccguidelines\\_papers.aspx](http://www.ipcc.gov.uk/en/Pages/ipccguidelines_papers.aspx)

I would add to this that statistics relating to recorded allegations of all categories have been published by the IPCC for every year since it began operating on 1<sup>st</sup> April 2004 up to 31<sup>st</sup> March 2012. This data is contained in the annual police complaints statistics which can be accessed via the IPCC web site at <http://www.ipcc.gov.uk/en/Pages/stats.aspx>

The information you have requested is accessible under the IPCC's Publication Scheme under the category of 'the services we offer', which includes, amongst other things, 'the IPCC research and statistics programme' and 'IPCC reports and guidelines'. Guidance from the Information Commissioner's Office relating to the section 21 exemption states:

April 8, 2013

*It will generally be fair to assume that information described within a publication scheme and made available under it is reasonably accessible to an applicant and that all the public authority needs to do, therefore, is draw the attention of the applicant to the scheme.*

Whilst Ms Davies did not expressly draw your attention to the fact that the information is accessible through the scheme, she did provide you with information enabling you to directly access the relevant data on the IPCC web site. This would not have been sufficient if the IPCC had reason to believe that the information was unavailable to you because you do not have access to the internet. I find, however, that it was entirely reasonable for Ms Davies to proceed on the basis that you are able to access these on-line data sources, given that you had requested the information by means of the 'What Do They Know' web site.

I am satisfied, therefore, that the IPCC has complied with all its obligations to you in respect of your request of 20<sup>th</sup> December 2012.

I hope that you appreciate the reasons for my decision but if you wish to appeal against this decision then you may wish to contact:

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

Yours sincerely



Colin Woodward  
**Acting Director of Human Resources, Procurement and Estates**  
**Independent Police Complaints Commission**