



**Humberside Police**  
Police Headquarters  
Priory Road  
Hull  
HU5 5SF

**Serving our communities to  
make them safer and stronger**

Your Ref: Tel No:101

Our Ref: F-2019-01163

29<sup>th</sup> July 2019

Dear Mr Wilby

**FREEDOM of INFORMATION ACT 2000 Reference No: F-2019-01163**

Thank you for your request for Information, in which you requested details of the following:

**In 2002 the Metropolitan Police Authority invited Humberside to investigate misconduct allegations against a serving Commander in the Metropolitan Police Service at that time, Brian Paddick.**

**A summary of the outcome is outlined in this contemporaneous BBC report.**

**[http://news.bbc.co.uk/2/hi/uk\\_news/england/2448343.stm](http://news.bbc.co.uk/2/hi/uk_news/england/2448343.stm)**

**Mr Paddick, though now retired from the police service, remains a high profile, and highly respected, commentator on policing matters, gay rights and race relations. Any privacy expectations would, therefore, be correspondingly low or non-existent.**

**By way of the Act, please disclose the report referred to in the BBC article. If an executive summary was written by DCC Gordon Clark, the senior investigating officer, that would satisfy this request.**

**To assist the disclosure officer, there is recent and relevant precedent: In a request made to West Yorkshire Police and Crime Commissioner ("WYOPCC") in 2017 I secured the investigation report of ACC Tim Jacques of Lancashire Police into gross misconduct allegations against the former chief constable of West Yorkshire Police (Operation Barium). It was not without difficulty, largely because WYOPCC has little or no understanding of its obligations under the Act, and although (surprisingly substantial) disclosure was, eventually, made, after the intervention of the Information Commissioner, the matter is still before the First Tier Tribunal for final determination.**

The Freedom of Information Act requires that this request is dealt with in a manner that is motive and applicant blind. A disclosure under this legislation is considered a disclosure to the world and is considered to be on the basis that it is in the public interest.

This response is unique to Humberside Police and you are advised not to compare this like for like with any other force's response you receive.

### **Humberside Police Response**

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which:

- a) states that fact



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b) specifies the exemption(s) in question and

c) states (if that would not otherwise be apparent) why the exemption applies.

This letter acts as that notice.

The summary of the report is provided however it has been determined that disclosure of additional information contained within the report is exempt under the following sections

S31(g) and  
S40(2)

S31(g) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)(b) the purpose of ascertaining whether any person is responsible for any conduct matter which is improper.

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in disclosure as well as carrying out a public interest test.

#### **PUBLIC INTEREST TEST**

##### **Section 31 – Favouring Disclosure**

The public would have a better understanding of the circumstances surrounding the misconduct allegations.

##### **Section 31 – Favouring non- disclosure**

The material requested relates to potential misconduct matters whose investigation is for the purpose of ascertaining whether a person has failed to comply with the law or is responsible for any conduct which is improper. Although the investigation was some time ago any further disclosure into the public domain which identifies them would prejudice their professional life making their role in or out the force untenable. Police forces have a duty to protect the identity of an individual with regard to their personal, private and professional life.

#### **Balance**

The principle of the Freedom of Information Act 2000 is to make public bodies more open and accountable and to help people to understand how public authorities carry out their duties. I am aware that there has been media coverage about the subject matters but there is an expectation that Humberside Police has a duty to protect the identity of individual(s).

Although I am fully aware of the need for Public Authorities to demonstrate a level of openness and transparency, I am of the opinion that the fact that the material falls within the exemption as outlined above, that heavily favours non-disclosure, and subsequently the information is withheld.

S40 is an absolute exemption and there is no requirement for me to conduct a public interest test. However I am satisfied that disclosure would breach the 1<sup>st</sup> principle of the Data Protection Act – lawful and fair processing.



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Should you need to discuss this further please contact Sian Boynton, Information Compliance Officer on the above details.

Yours sincerely,

Sian Boynton  
Information Compliance Officer



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## **Humberside Police – Freedom of Information Complaints Review Procedure**

### **Why Have A Complaints Process?**

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Humberside Police is committed to delivering an open and transparent service whenever possible and it is our intention to commit to the principles of openness embodied in the Freedom of Information Act. We will release information to the greatest extent possible, consistent with the public interest, however we may withhold information if we consider its release would cause significant harm.

If information within a document is withheld, it will be clearly marked to show where information has been removed and the legal exemption we have used. If we decline to supply all or part of any information you have asked for we will notify you in writing giving our reasons based upon legal exemptions contained within the Freedom of Information Act.

If you are not satisfied about the way in which your Freedom of Information request has been handled you have the right to appeal. This information has been designed to help you to understand how to complain to Humberside Police. Using this process will not affect your right to complain directly to the Information Commissioner if you feel we have not complied with our obligations under the Freedom of Information Act.

### **How Long Do I have to Raise A Complaint?**

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Once we have responded to your Freedom of Information Request you will have 40 working days in which to raise your complaint.

### **Who Can Complain?**

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Anyone who has made a Freedom of Information request in writing to the Force can complain. If you have requested information and you are not satisfied with the way we have dealt with it, you can use the complaints process to have it looked at again. If someone who requested information would like to complain but cannot do so themselves, you can complain on their behalf but it will help us if you make it clear that you are doing so.

### **What Can I Complain About?**

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If you are not satisfied with the way we have handled your request, with the fee we have charged, or with the reasons we have given for refusing to provide information, you have the right to appeal. You can complain about the range, amount and format of information we have sent following a request. You can also complain about the way a request was handled, for example, the time it took to respond.



## How Do I Complain?

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To deal with your complaint as quickly as possible, it will help if you can give us as much information as you can about the original request made and the reason for your complaint. Please put your complaint in writing and address it to:

FOI Appeals  
[Humberside Police Information Compliance Unit](#)  
Police Headquarters  
Priory Road  
Hull HU5 5SF

## What Happens To My Complaint?

Once we have enough details to identify the request, we will begin the review. The Head of The Information Compliance Unit will normally review your complaint. In the more complex cases a review panel consisting of a number of senior personnel from the Force will re-examine your complaint. We aim to complete the review process within 20 working days of receiving your complaint. Upon completion we will send you the findings.

## How Will I Be Notified?

Where we have not followed procedures or have failed to provide acceptable quality of service, we will apologise and explain what we will do to ensure this doesn't happen again. If our original decision to withhold information is over-turned on appeal we will send you the additional information immediately. If we believe that our original response was correct we will let you know, and inform you of your options (see below).

## What If I'm Still Not Satisfied?

If we have been unable to resolve your complaint and you are not satisfied you can approach the office of the Information Commissioner, who may investigate the matter on your behalf. This option is open to you at all times, but we will endeavour to address your complaint initially, as this may lead to a speedier resolution. It is the Information Commissioner who decides whether to investigate or not. We will co-operate fully with the Information Commissioner.

If you have any further questions about the complaints process, please contact the Information Compliance Unit on 01482 578039 or alternatively you can write to:



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*Head of Information Compliance Unit  
Humberside Police Headquarters  
Priory Road  
Hull HU5 5SF  
Email: [Informationcomplianceunit@humberside.pnn.police.uk](mailto:Informationcomplianceunit@humberside.pnn.police.uk)*

Requests for a review by the Information Commissioner should be made in writing directly to:

*The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF*

**Phone: 01625 545 700**

**[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)**