

Our reference: FOI/1006451

Your reference:

Martin McGartland

By email to:

[request-400612-](mailto:request-400612-517afc64@whatdotheyknow.com)

517afc64@whatdotheyknow.com

12 May 2017

Dear Mr McGartland,

Re: Your request to the IPCC – Freedom of Information Act 2000 (FOIA)

Thank you for your emails received at the IPCC on 7 January 2017, in which you request information from the IPCC.

You have requested:

I would like copies of all recorded information that is held by the IPCC (including its press office) relating to all, any media enquiries, emails, questions, requests and freedom of Information requests that have been made to the IPCC (both verbal and in writing) concerning the IPCC's Independent Investigation, the final investigation report into former Northumbria Police ACC Greg Vant.

I would also like:

** Copies of all original forms, documents of all, any media enquiries, questions, emails, requests, FOIs as well as all of the IPCCs replies.*

I would like this information to cover the period between January 2017 and up until the date this request is answered.

I do not require any personal data (including names) of any members of the press.

We have considered your request under the FOIA general right of access and have decided to refuse it under section 14(1) and section 12 of the FOIA.

Section 14(1) of the FOIA states:

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

The Tribunal has defined 'vexatious' as "*the manifestly unjustified, inappropriate or improper use of a formal procedure*". I have decided that your request is vexatious when considered in its surrounding context because it then becomes clear that compliance would result in a disproportionate or unjustified level of disruption to the IPCC.

The Tribunal has identified the idea of proportionality as underpinning the policy behind section 14(1):

"There must be an appropriate relationship between such matters as the information sought, the purpose of the request and the time and other resources that would be needed to provide it".

We have considered, therefore, whether your purpose in making the request could justify the resources that would have to be committed to answering it.

In attempting to balance the impact of your request against its purpose and value, I have taken into account the very significant resources that have already been committed by the IPCC to your previous information requests, of which there have been in excess of 60 over a seven year period. I have also noted from your previous correspondence that your requests are often motivated by your belief that the IPCC is actively engaged in obstructing and misleading you and that you have persisted in this belief despite the very significant amount of information we have already disclosed to you. It is reasonable to conclude from this history that you will continue with your enquiries and requests to the IPCC no matter what information is supplied.

I have read the previous correspondence between the IPCC and you about the case involving Mr Vant and it is clear to me that your current request is consistent with that campaign.

Having regard to the guidance and decisions concerning the relevance of such evidence to an assessment under section 14(1), I am in no doubt that the context, frequency and duration of your previous correspondence provide substantial support for my finding that the disruption that would be caused by your current request cannot be justified.

I have decided, therefore, that your request engages section 14(1) of the FOIA because compliance would result in a disproportionate level of disruption to the IPCC.

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,



David Ford
Deputy Director Operations
Independent Police Complaints Commission (IPCC)

