

Our reference: FOI/1006298

Your reference:

Martin McGartland

By email to:

request-380473-

a4f6fc80@whatdotheyknow.com

14 March 2017

Dear Mr McGartland,

Re: Your request to the IPCC

Thank you for your email of 3 February 2017, in which you complain about the IPCC's response to the request you made on 7 January 2017.

Your email has been passed to me to consider whether the IPCC's handling of your request was compliant with the Freedom of Information Act 2000 (FOIA). I have had no previous involvement in your FOIA request to the IPCC.

Mr Ford decided that the IPCC is not obliged to comply with your request because it engages the exceptions under section 14(1) and section 12. I note that the IPCC would be entitled to refuse the entirety of your request if it engaged either one of these provisions.

In regard to section 14(1), I agree with Mr Ford that the purpose and value of your request does not provide sufficient justification for the disruption that would be incurred by complying with it. In reaching this decision I have considered in particular the evidence he has cited as to the very considerable burden that would be imposed on the IPCC by your request. I have concluded that this level of disruption to the IPCC's operations would be justified only if it was possible to identify an exceptionally weighty public interest that would be met by the disclosure of this information. No such interest suggests itself to me and your email does not contain any new evidence to the contrary.

I would observe that a significant amount of information connected with IPCC investigations is available on the IPCC web site and may assist with some of the matters you raise in your request. As you have stated, the IPCC has already published some of its investigation reports with the result that they are accessible to you without recourse to your FOIA right of access. While these reports represent only a small proportion of the total number that you have requested, they provide a detailed account of the IPCC's investigative work in a range of cases. For this reason, their availability on the IPCC's web site tends to undermine rather than support your assertion that the resources we would have to commit to your request would be proportionate to the public interest value of the information that would be disclosed.

Despite these existing sources of information about the work of the IPCC, your request ranges very widely indeed, even indiscriminately, across a number of issues relating to IPCC investigations and seeks substantial quantities of information that would take thousands of hours to assess for disclosure.

Mr Ford has not argued that the sole motivation for your request was to cause disruption and annoyance. He was entitled, however, to introduce the context and history of your request when assessing whether or not the burden that it would impose on the IPCC was proportionate to the seriousness of its purpose and value. 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 and its relationship to this request are directly relevant to our finding that the disruption that would be caused by your request cannot be justified.

I conclude that your request is vexatious when considered either in isolation or in the context of your previous requests and correspondence, and have decided, therefore, that section 14(1) has been applied correctly in this instance.

Turning to our refusal of your request under section 12 of the FOIA, I have noted Mr Ford's estimate of the time that it would take to complete the relevant activities and am satisfied that the cost limit would be exceeded in the circumstances of your request. I conclude, therefore, that section 12 has been applied correctly.

The IPCC is refusing your request under both section 12 and 14(1). In the event of a complaint to the ICO under section 50 or an appeal to the Tribunal under section 57, the IPCC could, if it chose, decide to rely on either of these provisions in arguing that it is under no obligation to comply with any part of your request. Therefore, even if you were correct in your view, which I do not accept, that your request is not

vexatious within the meaning of section 14(1), the IPCC would continue to argue under section 12 that it need not comply with your request.

As you may be aware, you can complain to the Information Commissioner's Office (ICO) about our handling of your request. Contact details are available at www.ico.org.uk .

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Peter Hooper', with a stylized flourish at the end.

Peter Hooper
Archives and Records Manager

Independent Police Complaints Commission (IPCC)

