

Our reference: 1007739



Martin McGartland

By email:

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24 July 2019

Dear Mr McGartland

Your request for information

We refer to your email of 25 June 2019 in which you request information from the IOPC. We have considered your request under the Freedom of Information Act 2000 (FOIA) and this letter sets out our decision.

Your email requests the following information in connection with a referral to the IOPC under reference 2019/119376:

*1. A copy (copy of original please) of the 'agreement' which is referred to in that referral and also copies of all other documents, understandings between IOPC/IPCC and Bedfordshire PCC/OPCC and Bedfordshire Police. And those which relate to above/below / this request.*

*As well as the above, I would also like to know*

*2. Why complaints, please supply reasons and rational behind it, against Chief Constable Jon Boucher - which 'mentions Op Kenova - 'must' be referred to the IOPC.'?*

*3. Should the above be included (and why is it not) within IOPC/IPCC guidance.*

*What powers do IOPC/IPCC have and or rely on to enable them to make a decision that complaints against CC Boutcher which mentions Op Kenova 'must' be referred to them?*

*I am requesting copies of documents, agreements etc which relate to this part of the request.*

We are refusing your request under section 14(1) of the FOIA. Section 14 states that a public authority is not obliged to comply with a request for information if it is considered to be vexatious.

Our reasons for refusal under section 14(1) are very similar to our reasons for refusing a number of your previous requests as vexatious. We would refer you to our previous correspondence and to the Information Commissioner's decision notices of 26 September 2017 (FS50683023 and FS50690461).

We note that your request continues your long running campaign of correspondence with the IOPC originating from your complaints against Northumbria Police. The referral in question relates to your complaint against the Chief Constable of Bedfordshire Police. Our letter to you in which we confirmed our decision on this referral stated that your complaint had been returned to the Bedfordshire OPCC to deal with as it saw fit because *"whilst your complaint mentions Op Kenova, the substance of your allegations do not concern the Operation"*.

As you are aware, your complaint was voluntarily referred by the OPCC as a result of an agreement that a complaint against the Chief Constable must be referred to the IOPC if it mentioned Operation Kenova. Your complaint fell under this agreement solely because you had mentioned Operation Kenova when making it. Your request was made soon after we confirmed to you that Operation Kenova was not relevant to your allegations and was based on information confirming the existence of the agreement contained in our letter and in the referral itself, which you appear to have received on request from the Bedfordshire OPCC.

We have explained to you on numerous occasions that the FOIA is not an appropriate mechanism for attempting to further your grievances. The Commissioner pointed out in her decision notice of 26 September 2017 that *"there is no wider public interest"* in your grievances *"...being played out in public under the FOIA regime."*

The motive behind your requests appears to be an attempt to reopen or further personal issues that have been addressed and for which appropriate channels of redress exist; such as the police complaints process outlined in the Police Reform Act 2002 and on our [website](#), or the [judicial review process](#).

It is our assessment that your current and previous FOIA requests are attempts to 'fish' for information in the hope that you can use our responses as a basis for

making more complaints and FOIA requests. The pattern of your correspondence strongly indicates that there is no end in sight to your requests for information. You continue to make requests connected with your personal cases and grievances against Northumbria Police and others. For this reason we have taken into account the anticipated burden of your future requests, as well as the very significant amount of work we have already carried out, in deciding whether the disruption caused by answering your current request could be justified.

We find, therefore, that the Information Commissioner's reasoning contained in her decision notices of 26 September 2017 apply equally to this request.

Please remember to quote our reference number 1007739 in any future correspondence about this request.

If you are not satisfied with this response you may request an internal review by an independent internal reviewer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please provide your representations and grounds for complaint to the following address:

Reviewing Officer  
Independent Office for Police Conduct  
PO Box 473  
Sale M33 0BW

All emails requesting a review should be sent **directly** to:  
[dpo1@policeconduct.gov.uk](mailto:dpo1@policeconduct.gov.uk)

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, we should point out that under section 50(2)(a) of the Freedom of Information Act, you are normally obliged to exhaust the public authority's internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely



Chris McCoy  
**Operations Manager**  
**Independent** Office for Police Conduct (IOPC)

