

Our reference: IR/1007846

Mr Edward Williams  
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17 October 2019

Dear Mr Williams

I refer to your email of 13 September 2019, in which you requested a review of the IOPC's response to the request for information reference 1007846.

Your email has been passed to me to consider whether our handling of your request was compliant with the Freedom of Information Act 2000 (FOIA) and I confirm that I have had no previous involvement in your FOIA request. I apologise for the delay in providing this review response.

Your original request related to a High Court decision regarding Officer W80 and was as follows:

*"...the IOPC report.  
Provide schedule of costs, yours and others you will have to pay, like MPS."*

On 13 September we provided the court costs and sent a refusal notice citing exemptions at sections 30 and 40 of the FOIA in relation to the report.

You requested an internal review on 13 September and asked, *"How much were your costs?"*

I therefore understand the scope of this review to be limited to the second part of your request only, i.e. the *"schedule of costs"*.

Having reviewed our response, I have decided that it did not provide sufficient information to answer this part of your request. I have therefore revised the response and provide my findings below.

*You asked: Provide schedule of costs, yours and others you will have to pay, like MPS."*

Our internal legal department do not hard charge the internal clients, therefore we do not hold a schedule of costs. However we record total hours spent based on time recording on

our case management system. We can confirm that up to and including 10 July 2019, which was the last day of the hearing in the High Court, our internal lawyers spent a total of 293 hours and 18 minutes on this matter.

We hold information in respect of other costs associated with the case, however I have decided that we are not obliged to provide them to you by virtue of an exemption at section 40 of the FOIA which concerns personal data.

Section 40(2) applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the General Data Protection Regulation (GDPR). The most relevant principle in this case requires that any personal data is processed lawfully, fairly and in a transparent manner.

Personal data, as defined in Article 4 of the GDPR, is information that relates to an identifiable individual who can be identified directly or indirectly from one or more identifiers or from factors specific to the individual.

Our external costs relate to only one individual and I find that this is significant because it means that it would be possible for them to be identified indirectly from a combination of sources. Disclosure of the costs would effectively reveal how much was paid to this individual by the IOPC. As such I find that it qualifies as personal data of this individual.

Disclosure of this personal data would only be lawful if it met one of the legitimising conditions outlined in Article 6 of the GDPR.

I have weighed the rights of the individual against the public's 'right to know' and whilst I understand that you, and the general public may have an interest in this information due to the high media profile of the case, I have applied significant weight to the consideration of the rights of individual and the protection of their privacy. As such I have decided that none of the lawful bases would support disclosure of this information with the result that release of this information would not be lawful.

I have also considered the fairness aspect of disclosing this information and have concluded that it is unlikely to be within the reasonable expectations of this individual that their financial data would be released as part of an FOIA request.

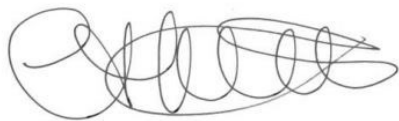
Such disclosure is effectively one without conditions to 'the world at large'. I am of the view that there is potential that this could result in unwanted and unwarranted intrusion upon the privacy of this individual and could potentially cause damage or distress. I have also considered the effect on the IOPC's integrity and relationships with external counsel if there was any suggestion that this type of personal data could be released under the FOIA. I have concluded that these considerations would mean that release of this data would be unfair.

Taking all factors into account, I am persuaded that the information you requested in respect of external costs would be neither lawful nor fair and is therefore exempt by virtue of section 40(2) of the FOIA

There are no other recorded associated costs.

This concludes my review of our handling of your information request. As you may be aware, you can complain to the Information Commissioner's Office (ICO) if you are dissatisfied with this response. Contact details are available at [www.ico.org.uk](http://www.ico.org.uk).

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and flourishes, representing the name Gemma Thomas.

**Gemma Thomas**  
**Data Protection Officer**  
**Independent Office for Police Conduct**