

Your reference: FOI/1005889
Your reference: FS50645506

Mrs H Jarman
Senior Case Officer
Information Commissioner's Office
By email to:
casework@ico.gsi.gov.uk

12 October 2017

Dear Mrs Jarman,

Re: Section 51 Information Notice - FS50645506

This and my letter of 25 September 2017 responds to the Commissioner's Information Notice of 24 August 2017. Please accept my apologies for the delay in completing our response.

As you are aware, on 4 October 2017 we provided Mr Anderson with our revised decision relating to his request for a copy of the Operation Kalmia report. Our letter directed Mr Anderson to the redacted report we had published on our web site and confirmed the reasons for those redactions in accordance with section 17 of the FOIA.

In reference to each of the Commissioner's requirements in paragraphs 9 and 10, my response to the Information Notice is as follows.

A copy of the formal remit of the IPCC's investigation (part 2(a) of the request)

This refers to the terms of reference which are on page 5 of the Kalmia report, a copy of which was sent to you on 25 September 2017.

A copy of the senior investigating officer's report to the IPCC (part 15 of the request)

This was provided to you on 25 September 2017.

A copy of the IPCC's report (part 16 of the request)

There was no separate IPCC report at the time that Mr Anderson made his request. The IPCC has recently produced a summary of the Kalmia report which is available on our web site via the link we have provided.

A copy of the Costello report (part 17 of the request)

This is included as a pdf file in the email attaching this letter. This is the same report that was considered under the Information Commissioner's decision notice of 24 April 2017 (FS50646644).

Paragraph 10 of the section 51 notice requires that the above information "be clearly marked with the proposed redactions to show which FOIA exemptions the IPCC considers apply".

Our letter of 25 September included a version of the Kalmia report accompanied by a schedule explaining each redaction. A few other minor and self-explanatory redactions are included in the published version, as I said in my letter of 25 September might be the case. These redactions were made to conceal gender or rank of certain parties to avoid jigsaw identification, for consistency, or because additional redactions were identified as a result of proofreading.

As to the Costello report, we are aware of the version already held by Mr Anderson following the Commissioner's decision notice of 24 April 2017. The IPCC agrees with that decision and is therefore content to apply the same redactions, meaning that we would respond to this request by disclosing the version of the report already published by Staffordshire Police. As this is already accessible to Mr Anderson it need not be disclosed because it is exempt under section 21 of the FOIA. The information redacted by Staffordshire would be refused by the IPCC in reliance on the Commissioner's findings in her decision notice

It does not appear to me that providing you with the report redacted by Staffordshire Police marked with the exemptions agreed in the decision notice would be likely to assist the Commissioner in deciding Mr Anderson's complaint. Please let me know, however, if you have any further requirements in this regard.

A full response to the letter of 26 May 2017

The email version of this letter, received by us on 26 May 2017, states:

This is your opportunity to finalise your position. With this in mind, you should revisit the request. After looking at our guidance, and in light of the passage of

time, you may decide to reverse or amend your position. If you do, please notify the complainant and me within the timeframe specified at the end of this letter. This may enable us to close this case informally without the need for a decision notice.

Please copy me in on any further correspondence the IPCC sends to Mr Anderson regarding disclosure of the requested information.

My revised decision, a copy of which you hold, was sent to Mr Anderson on 4 October meaning that it did not comply with your requirement that it be sent by 23 June 2017. This was for the reasons explained in our previous correspondence. Consistent with our understanding of the ICO's letter of 26 May, we informed Mr Anderson that he should let us know if he decided to withdraw his complaint or request the ICO to continue its investigation with a view to issuing a formal decision notice.

I would also refer you to my letter of 25 September 2017 in which I explained the exemptions that we have applied to the published version of the Kalmia report.

Mr Anderson contacted us on 6 October 2017 requesting the IPCC to carry out a review of its revised decision, the delay in sending that decision and that it did not address our refusal of the Costello report. We are letting him know that he should now contact the ICO to pursue his complaint.

It is my understanding that Mr Anderson's complaint about our handling of his request of 31 May 2016 relates to the matters listed in the Information Notice (namely, our responses to parts 2(a), 15, 16 and 17 of the request) and the delay in completing our internal review. I would be grateful if you would confirm that this is correct so that I can be sure that I have provided you with all the information you need to complete your investigation and proceed to a decision.

Please do not hesitate to contact me if you require clarification on any of these issues.

A copy of this letter goes to Mr Anderson.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. M. Knight', written in a cursive style.

David Knight

