

Our reference: FOI/1005889

Mr L Anderson

By email to:

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9 December 2016

Dear Mr Anderson,

Re: Your request under the Freedom of Information Act 2000 (FOIA)

I am sorry about the delay in replying to your email of 27 May 2016 in which you requested an internal review of the IPCC's handling of your request under the FOIA. The reasons for the delay in responding to the request are: the complexity of your request, lack of resources within our information rights team and several key parties to the process being on leave throughout the summer period.

Your email was passed to me to carry out the review at the end of October. I have had no previous involvement in your FOIA request to the IPCC. Your request has raised some quite difficult issues, bearing in mind the nature of the documents you have asked to have disclosed. Nonetheless I regret that I have not been able to reach a decision more swiftly.

You made a number of observations in regard to our refusal of the Operation Kalmia report and the Management Review report which is referred to in it. I have considered your representations carefully. I have decided we should publish the reports, subject to redaction to ensure that we meet our obligations not to improperly disclose information that is exempt under one or more of Sections 23, 30, 38 and 40. In doing so, I do not find fault with Amanda Rowe's previous decision that these

exemptions apply to the material requested. But I do consider that we should redact the material rather than withhold it in its entirety. I am afraid the redaction process will be extensive and time consuming, considering the nature of the reports. It will also require us to consult with many interested parties. Our Deputy Chair, Sarah Green, is overseeing this process. She cannot offer you a target date for completion at this time, but will write to you with an update as soon as she is in a position to do so.

It is likely that the result of the redaction process will be that the Operation Kalmia report is extremely hard to follow due to the amount of material removed. It is therefore also Ms Green's intent to publish a more accessible summary of the investigation.

You raised two further matters, which I address below.

First, you complain that your request was not answered within the prescribed period for responding to FOIA requests. The 20th working day following the day on which your request was received was 28 April 2016. As your request was not answered in full until 28 June 2016, with an interim response on 27 May 2016, it is clear that the IPCC exceeded the time for compliance prescribed under section 10 of the FOIA. Please accept my apologies for our failure to deal with your request in compliance with the FOIA and for the inconvenience this will have caused. While I am not attempting to justify our failure to comply with the time limit, I would explain that it largely resulted from delays in receiving the views of various persons at the IPCC who had to be consulted because of their detailed knowledge of the case.

Second, you ask for confirmation that our responses to questions 8 and 12 are correct. In our letter of 27 May 2016, we stated that no civilian suspects were investigated or arrested under Operation Kalmia. I can confirm that all of the subjects of Operation Kalmia were either serving or former police officers. The remit of the IPCC does not extend to ordinary members of the public.

Our response to question 5 is also correct. The Operation Kalmia investigation report was signed off by the IPCC Commissioner on 21 November 2014. This is recorded on our system as the date on which the investigation was completed. Following completion of the investigation and acceptance of the report by the commissioner the report is submitted to the appropriate authority for their views on whether any officer has a case to answer, and the commissioner subsequently makes recommendations, and may make directions. In the case of Operation Kalmia, this process was prolonged and was not completed until June 2015.

Again I apologise for the delays in dealing with your request, both initially and on review. As you are aware, you can complain to the Information Commissioner's

Office 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 be 'DK', enclosed within a large, loopy oval shape.

VP

David Knight

Director of Strategy and Impact

Independent Police Complaints Commission