

Your Reference:
Our Reference: 1002106

P Swift
By e-mail to:
request-31702-c25dd476@whatdotheyknow.com

01 June 2010

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Mr Swift,

YOUR REQUEST FOR INFORMATION

I am sorry about the delay in replying to your e-mail of 29th March 2010 in which you request information about the IPCC confidential reporting line.

You refer to a previous freedom of information request by IPSPG made via the whatdotheyknow.com web site (http://www.whatdotheyknow.com/request/police_confidential_reporting_li#comment-9696) and the Commission's refusal to provide the outcome for each of the 313 matters reported via this line on the ground that it was estimated that the task of extracting the relevant information would exceed the £450 cost limit that applies to the IPCC. You request 'the third batch of 106 case files i.e. the final batch'.

Regulation 5 of The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provides that two or more requests to a public authority can be aggregated for the purposes of calculating costs if they are:

- by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- for the same or similar information; and
- the subsequent request is received by the public authority within 60 working days of the previous request.

As stated in guidance from the Information Commissioner, 'the intention of this provision is to prevent individuals or organisations evading the appropriate limit by dividing a request into smaller parts'.

Including your request, the IPCC has received four requests referring to the original IPSPG request and asking for information from batches of 106 case files. The details of these other three requests all of which, like yours, were made via the whatdotheyknow.com web site, are as follows:

1. Request from IPSPG received at IPCC on 25th March 2010 for 'the information requested from the first 106 case files' – see annotation to http://www.whatdotheyknow.com/request/police_confidential_reporting_li#comment-9696
2. Request from Dave Merccer received at IPCC on 28th March 2010 for 'the information requested from the second 106 files' – see http://www.whatdotheyknow.com/request/police_confidential_reporting_li_2#incoming-80997

3. Request from Paul received at IPCC on 25th March 2010 for 'the third batch of 106 case files'– see
http://www.whatdotheyknow.com/request/3rd_batch_outcome_of_police_line#outgoing-58361

In an annotation of 24th March to the original IPSP request, Dave Mercer, responding to an annotation by the IPSP states: 'If you'd like to ask for the first 106, I'll ask for the 2nd 106 and I suspect someone else annotating this entry will ask for the last 106. Just reply under this entry to the IPCC and those that have annotated will likely be advised and can act'.

In annotation to the same web page of 25th March 2010 addressed to 'Dave and Mr Swift', Paul states: 'Please see link for third batch of 106, I will post the results back to this page when they (yawn) eventually arrive'.

I find that all four requests have clearly been co-ordinated by means of the whatdotheyknow web site so that in accordance with Regulation 5 they can be aggregated for the purposes of calculating the appropriate limit. As explained in the Commission's decision notice in response to the original request, it is estimated that it would take approximately 10 minutes per file to identify and extract the information as to outcomes. When aggregated with the three requests listed above, the information you request would have to be extracted from all 313 case files with the result that the appropriate limit of £450, or 18 hours work at £25 per hour, would be exceeded.

Therefore, the IPCC is under no obligation to provide the information you have requested because it is exempt under section 12 of the Act.

I recognise that this response is a number of weeks outside of the statutory 20 working days in which public authorities must normally respond to freedom of information requests.

If you are not satisfied with this response you may request an independent internal review by our FOI appeals officer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Amanda Kelly
Freedom of Information Act Complaints
IPCC
90 High Holborn
London
WC1V 6BH

E mails should be clearly marked 'Complaint against FOI decision' and sent to: foi@ipcc.gsi.gov.uk.

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, I 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 own internal complaint mechanism before complaining to the Information Commissioner.

Existing IPCC data as to outcomes of matters reported to the confidential line

As I explained in the decision notice responding to the original IPSP request, the only information as to outcomes recorded in the case file for each report is limited to the initial written assessment of the report and the steps taken on the basis of that assessment (i.e. as to seeking consent and whether or not the matter has been passed to the appropriate authority). At least some of the information contained in each report assessment would be likely to attract

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one or more of the exemptions contained in Part II of the Act, so that there may be no entitlement under section 1(1)(b) of the Act to communicate all of these assessments to you, even if the cost limit did not apply.

An analysis of the reports received in the two years to April 2010 has recently been carried out. Please find included with this decision a table showing the outcome of that analysis, together with some explanatory notes. I would emphasise that the IPCC is under no obligation to provide this information to you under the Act. It is therefore being supplied to you without reference to the general right of access.

Yours sincerely

Philip Johnston
Independent Police Complaints Commission