

24 July 2014

CONFIDENTIAL

[Name Removed]

By email to [Address Removed]

Our ref: IR201400498

Dear [Name Removed]

Your request for information

I refer to your recent request for:

- (a) a full count of all complaints raised by the public against the Police Investigation and Review Commissioner (PIRC) brought to the Scottish Public Services Ombudsman (SPSO);
- (b) the nature of each complaint at A; and
- (c) a count of the complaints at A to be further broken down by complaints corresponding to hate incidents, hate crimes, breaches of the Human Rights Act 1998, the Equality Act 2010, the Data Protection Act 1998 and the Police Public Order and Criminal Justice (Scotland) Act 2006 respectively.

Your request has been processed in line with the Freedom of Information (Scotland) Act 2002 (FOISA) and I can now respond as follows.

- (a) Statistics for the complaints we receive each year against the PIRC (formerly the Police Complaints Commissioner for Scotland) are published on our website. As this information is already available to you on our website, and indeed via [class 2](#) of our publication scheme, we consider that the information is exempt under section 25 of the FOISA. This states that information is exempt information if the applicant can otherwise reasonably obtain it. This is an absolute exemption, which means there is no requirement to consider the public interest. The following link (<http://www.spsso.org.uk/statistics>) will take you to our published statistics, which are grouped by year. There are tables for received complaints, organised by subject and authority.

Statistics for 2013-14 are not yet finalised and published on our website. I have, therefore, provided the information requested for this period (and for the period 2014-15 to date) below.

PIRC complaints received 2013-14

Subject group	
Commissioners & Ombudsmen	5
Justice	3

PIRC complaints received 2014-15 (to date)

Subject group	
Commissioners & Ombudsmen	4
Justice	1

- (b) As noted above, we report complaints received by subject and authority statistically on our website. Please also see the information provided above for 2013-14 and 2014-15. We also publish our findings on those complaints that have been determined as fit for the SPSO either as a full report of the investigation where our public interest criteria are met, or more recently, in our decision reports (<http://www.spsso.org.uk/our-findings>). You can search our findings on our website by authority. From my initial search, there is one published investigation report (see reference 200702044), and two published decision reports (see reference 201003706 and 201200808). Again as noted above, we consider that this information is exempt under section 25 of the FOISA.

Section 12 of the Scottish Public Services Ombudsman Act 2002 (SPSOA) states that our investigations must be conducted in private, and section 19(1) of the SPSOA states that information obtained by the Ombudsman in connection with any matter in respect of which a complaint has been made must not be disclosed except for any of the purposes specified in the SPSOA, such as for the purpose of investigation and reporting. Disclosing information under the FOISA is not one of the specified purposes. We, therefore, consider that information about the nature of the complaints we receive, further to what we publicly report, will be exempt under section 26(a) of the FOISA. This states that information is exempt information if its disclosure is prohibited by or under an enactment. This is an absolute exemption.

- (c) Please see the response at (b) above. Information about the nature of the complaints we receive is exempt under section 26(a) of the FOISA.

YOUR RIGHT TO REQUEST A REVIEW AND OF APPEAL

You have a right under FOISA to request a review of any part of this decision, or of the handling of your request, and of appeal to the Scottish Information Commissioner if you remain dissatisfied. Details about requesting a review and appealing to the Commissioner are set out on page 3 of the enclosed information leaflet 'Your Information Rights & SPSO'.

Yours sincerely,

Helen Littlemore
Data Protection and FOI Officer

Enc. Information leaflet 'Your Information Rights & SPSO'