

Our Reference No: 1003287
Your Reference No:

ipcc
independent
police complaints
commission

Tony Wise
By e-mail to:
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28th November 2012

Dear Mr Wise

Request for an Internal review of a decision under the Freedom of Information Act 2000 (FOIA)

I refer to your e-mail of 30th October 2012 in which you request an internal review of the IPCC's decision of 1st October 2012. The file has been passed to me as the IPCC's reviewing officer.

Your request of 24th August 2012 was as follows:

- 1/ How many corruption allegations have been made against ACPO rank officers in 2010, 2011 and 2012 that have not been independently investigated by the IPCC? Please provide reasons if they weren't. I don't want any personal data.*
- 2/ Please provide the forces involved at 2/. I don't want any personal data.*
- 3/ Please supply the full criteria adopted by the IPCC as to how corruption allegations re: ACPO rank officers are assessed for independent investigation.*
- 4/ Re: 3. Or does the IPCC always investigate corruption allegations against ACPO officers in concord with the undertakings and promises made to Parliament and the public as outlined above.*
- 5/ Does the IPCC take seriously promises and undertakings made to Parliament and the public as a whole?*
- 6/ In summary what are the IPCC's findings from public surveys and focus groups re: corruption allegations against ACPO rank officers?*
- 7/ Does the IPCC always operate in the public interest. Please produce any policy, procedure or promise that confirms that the IPCC always and is required to work in the public interest.*

In your e-mail of 30th October 2012 you set out your objections to the responses contained in Alison Davies' letter of 1st October. First, you state that you require clarification in regard to the responses to questions 3 and 4. You refer to allegations of corruption you made against Chief Constables and ask for an explanation as to why '*these well evidenced allegations were not independently investigated by the IPCC and did not meet the criteria as outlined in [the IPCC] FOI response*'. I note that this request for an explanation did not form part of your request of 24th August 2012, which made no mention of this specific case.

I take the view, therefore, that you are not requesting an internal review of the IPCC response to these questions but making a new request for information. I confirm that this request has been passed to our casework directorate to respond.

Second, you complain that the IPCC has failed to answer question 5 appropriately. Question 5 seeks to obtain the IPCC's 'opinion' as to whether it (the IPCC) takes seriously promises and undertakings made to Parliament and the public as a whole.

Rather than seeking to obtain recorded information, the request is asking the IPCC's 'opinion' as to how the IPCC as an organisation conducts itself in relation to unspecified undertakings or promises it may have made. As confirmed by the Information Tribunal, a public authority is not obliged to answer a FOIA request that seeks the public authority's opinion on something unless this opinion is already recorded somewhere.


The IPCC has not commented in such terms. I conclude, therefore, that the IPCC has no further obligations to you under section 1(1) FOIA in regard to question 5.

Finally, you refer to the response to question 6 and request *'all internal information surrounding why and by what authority the IPCC disregarded each and every factor in regard to [your complaint] involving no less than three currently serving Chief Constables'*. For the reasons given above in regard to questions 3 and 4 I consider this to be a new request, not a request for internal review, and confirm that this has been passed to our casework directorate to consider.

I hope that you appreciate the reasons for my decision but if you wish to appeal against this decision you may contact.

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

A handwritten signature in black ink that reads "Amanda Kelly". The signature is written in a cursive, flowing style.

Amanda Kelly
Director of Business Services