

FOI Disclosures March 2019

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If you require a full copy of any of the embedded attachments, please contact Requestinfo@policeconduct.gov.uk quoting the reference number from the relevant response.

<u>Ref</u> 1007383 Back to top	<u>Operation Embley</u>
<u>Request</u>	<ol style="list-style-type: none">1. <i>Terms of reference agreed between the Metropolitan Police Service (MPS) and the IOPC.</i><ul style="list-style-type: none">- <i>If the terms of reference do not make it clear please identify the class of misconduct, gross misconduct or criminal offences that have been assessed for investigation.</i>- <i>If it is not clear from the terms of reference please disclose how many MPS officers were, at the outset, subject to investigation concerning (i) misconduct (ii) gross misconduct (iii) criminal offences</i>2. <i>The names of the senior officers from both the IOPC and MPS who settled the terms of reference.</i>3. <i>The SIO and Deputy SIO appointed by the IOPC to lead the investigation.</i>4. <i>The senior officer(s) appointed by MPS to act as liaison/facilitators with/to the IOPC.</i>5. <i>The estimated timespan of the Op Embley investigation.</i>

	<p>6. <i>The average number of IOPC officers engaged on the investigation during July to December, 2018, inclusive.</i></p> <p>7. <i>The total amount budgeted for the cost of Operation Embley.</i></p>
<p><u>Response</u></p>	<p>We would emphasise that the Terms of Reference were decided by the IOPC alone. They were not agreed with the Metropolitan Police Service (MPS).</p> <p>We have decided that the Terms of Reference engage two of the exemptions under section 30 of the FOIA, namely, section 30(1)(a)(i) and section 30(2). We are refusing information under these exemptions after deciding that the public interest in maintaining them outweighs the public interest in disclosure.</p> <p>We have also decided that some of this information engages the exemption under section 40(2). This is an absolute exemption meaning that there is no requirement to consider the balance of the public interest before refusing the information.</p> <p>Our specific reasons for refusal are set out below.</p> <p><u>Section 30 – Investigations and proceedings conducted by public authorities:</u></p> <p>Section 30(1)(a)(i) exempts material “held by a public authority for the purposes of any investigation which the public authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence”.</p> <p>Section 30(2) exempts information that relates to the obtaining of information from confidential sources. This exemption applies when the information is held in connection with the public authority’s investigations or proceedings and relates to the obtaining of information from confidential sources. In this instance the information relates to the IOPC’s functions under section 30(1)(a)(i) and section 31(2)(b).</p> <p>As the information has been recorded for the purposes of a specific investigation we find that the information is exempt under section 30(1)(a)(i) on its own and in combination with section 30(2).</p> <p>This information is also held in relation to the IOPC’s functions under section 31(2)(b), namely: “the purpose of ascertaining whether any person is responsible for any conduct which is improper”. This FOIA provision describes the IOPC’s functions in regard to the investigation of police misconduct and applies to our core purpose of securing and maintaining public confidence in the arrangements for dealing with police complaints and misconduct in England and Wales.</p>

Our assessment of the balance of the public interest in refusal or compliance is as follows:

The public interest in maintaining these exemptions:

As confirmed in guidance from the Information Commissioner's Office (ICO), section 30 is designed to protect the independence of the judicial and prosecution processes by preserving the criminal court as the sole forum for determining guilt.

There is considerable public interest in ensuring that investigations, proceedings and prosecutions are conducted effectively. This requires the avoidance of prejudice to law enforcement, protection of witnesses and a need to maintain the independence of the judicial and prosecution processes by preserving the criminal court as the sole forum for determining guilt. Maintaining this exemption preserves the safe space that can be critical to the investigation and prosecution process.

This investigation is ongoing. In addition to the risk of harm to the investigation process, we must take into account the potential consequences of premature disclosure on any subsequent criminal or disciplinary proceedings

There is also a risk that disclosure would have the effect of misleading and misinforming the public about the conduct of any individuals whose conduct is under investigation. Release of this information at this time could impact on the privacy of those individuals resulting in unwarranted harm or distress.

The ICO guidance on section 30 also states that information received from confidential sources is essential to effective law enforcement. Any disclosure that may reduce the flow of information from such sources would prejudice the ability of law enforcement agencies to obtain reliable and accurate intelligence and identify, apprehend and prosecute potential offenders. The disclosure of information that would or would be likely to compromise the effectiveness of important law enforcement measures, including specific investigations like Operation Embley, is clearly against the public interest. In addition, it would not be in the public interest to place such sources at risk of exposure by releasing information that could lead to them being identified.

In the case of IOPC investigations, the inappropriate identification of a confidential source would be likely to result in reputational damage, to the detriment of the IOPC's capacity to fulfil its statutory functions in relation to police complaints and misconduct.

The information we are refusing includes details of the allegations under investigation and identifies the persons against whom they have been made. Disclosure would significantly increase the risk of a source being

identified because these details could be combined with other information so as to assist with the identification of the person or persons concerned.

Whether or not such 'jigsaw' identification is reasonably likely, we must also take into account the likelihood that disclosure would have the effect of deterring individuals from co-operating with this or other IOPC investigations involving confidential sources. In our view, this risk would arise even if disclosure resulted in unwarranted speculation about the identity of a source, or misidentification of a source.

The public interest in release:

Disclosure of information about these sources would leave the public better informed about the background to Operation Embley and form a view about the potential seriousness of the matters under investigation. This may assist the public in considering whether or not the claims made in relation to this case, for example in the Sunday Times article of 22 July 2018, are well founded. If they are, it is arguable that an appropriate level of public scrutiny would be justified in this case. If they are not, the public might reasonably expect to be allowed access to a more accurate and balanced account when the time is right.

In turn, disclosure of this information would serve the public interest in openness and in accountability for decision making and the use of public funds.

Balance of the public interest under section 30(1)(a)(i) and 30(2)

There is a very substantial public interest in avoiding any disclosure that could have a deterrent effect on the level of cooperation from individuals who supply confidential information to the IOPC and other law enforcement bodies. The sensitivity of this information is increased by the likelihood that disclosure would be prejudicial to a live investigation, as well as to the effectiveness of the IOPC more generally.

Set against this is the significant public interest in accountability for the conduct of the police in relation to this matter and in the public being provided with sufficient information to enable them to form a view on whether it is being appropriately investigated.

When this investigation and any related proceedings are complete, the IOPC will apply its 'Policy on the Publication of final reports and investigation summaries', in deciding on the appropriate level of disclosure in all the circumstances prevailing at the time. The purpose of any such publication would be to provide the public with a meaningful and proportionate account of the investigation so as to further the public interest in openness and transparency. In our view the disclosure of the terms of reference would not achieve this aim because the public is not in a position to form a view on the credibility of the specific allegations.

While it cannot be disputed that there is a significant public interest in the release of information about this case, we have decided that the public interest in disclosure does not outweigh the public interest in avoiding any harm to the investigation and safeguarding the relationship between the IOPC and confidential sources.

Accordingly, we have concluded that the public interest in maintaining the exemptions under section 30(1)(a)(i) and section 30(2) outweighs the public interest in disclosure of the terms of reference.

Section 40 – personal information:

The exemption under section 40(2) applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the General Data Protection Regulations (GDPR). In this case we have considered Article 5(1)(a), which requires that any personal data is processed lawfully, fairly and in a transparent manner in relation to the individuals concerned.

A number of individuals can be identified directly from the terms of reference. Please note that personal data does not only constitute names, addresses and dates of birth but includes any data that may result in the identification of an individual.

In assessing the fairness of disclosing personal information under the FOIA it is necessary to recognise that such disclosure is effectively an unlimited disclosure to the world at large, without conditions, which could lead to unwarranted intrusion resulting in damage or distress. In addition, there is no presumption under the GDPR that openness and transparency should take priority over personal privacy.

To determine whether or not disclosure would be lawful we have, in accordance with the approach recommended by the Information Commissioner, considered whether or not the ‘balance of legitimate interests’ test under Article 6(1)(f) provides a lawful basis for processing. In our view, any legitimate interest served by disclosure could not justify the invasion of privacy and potential distress that would be likely to result. This takes into account the current status of the investigation and the reasonable expectations of these persons as to how this data will be processed, as indicated by the confidential circumstances under which it was received.

We have also noted that the release of this information would not be in accordance with our published ‘Policy on the naming of police officers and police staff subject to IOPC investigation, appeal assessment or criminal proceedings’, which sets out the data protection and other criteria we apply when deciding whether or not to name the subjects of our investigations.

This means that disclosure of this personal data would be neither fair nor lawful on the individuals concerned, with the result that their personal data is exempt under section 40(2) of the FOIA.

<p><u>Ref</u> 1007393 Back to top</p>	<p><u>Simon Hurwood Referral</u></p>
<p><u>Request</u></p>	<p><i>I would like the decision making with regards to the investigation of Simon Hurwood being sent for local investigation. The name of the officer and the any guidelines that you have which show how these decisions should be made.</i></p>
<p><u>Response</u></p>	<p>We have decided that an exemption under section 40(2) of the FOIA applies to some parts of your request. We have addressed each part in turn.</p> <p><u>You asked: “I would like the decision making with regards to the investigation of Simon Hurwood being sent for local investigation.”</u></p> <p>The decision making rationale to refer this matter back to the force as a local investigation was based on a number of factors. We acknowledged the seriousness and sensitivity of the allegations and considered that an investigation was necessary. However due to the lapse of time between the incidents and the disclosures leading to the referral, and the investigative actions already taken by the force in respect of interviews and the serving of notices, we considered that the matter did not warrant independent oversight. We did however remind the force that re-referral should be considered if further evidence or further conduct matters were identified in the course of their investigation.</p> <p><u>You asked: “The name of the officer...”</u></p> <p>We have interpreted this part of your request to relate to the officer responsible for the mode of investigation decision in respect of the referral from Cleveland Police.</p> <p>Referrals are assessed by an Assessment Analyst who makes a mode of investigation proposal. This is then quality assured and approved by a Senior Assessment Manager, sometimes with the input of other colleagues such as Operations Managers or subject specialists where necessary.</p> <p>We have decided that you are not entitled to the name of the officers involved in this decision because this information falls within an exemption under section 40(2) of the FOIA.</p> <p>This exemption applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the General Data Protection Regulations (GDPR). In this case we need to ensure that any personal data is processed lawfully, fairly and in a transparent manner in relation to the individuals concerned.</p>

The information you have requested clearly relates to the officers in a personal capacity with the result that it could be disclosed to you only if this was allowed by the data protection principles.

In assessing the fairness of disclosing personal information under the FOIA, it is necessary to recognise that such disclosure is effectively an unlimited disclosure to the world at large, without conditions, which could lead to unwarranted intrusion resulting in damage or distress. In addition, there is no presumption under the GDPR that openness and transparency should take priority over personal privacy.

We have taken into account guidance from the Information Commissioner's Office (ICO) on responding to FOIA requests for personal information about public employees. In particular that there is greater expectation of privacy on the part of less senior staff who would not in general expect their posts to carry a level of accountability that would require the disclosure of personal details about themselves. It is also relevant that Assessment Analysts and Senior Assessment Managers do not occupy a public facing role in the sense of carrying responsibility for explaining the policies or actions of the public authority to the outside world, as would be the case for a member of the IOPC's senior management team.

Accordingly, we consider that the release of their personal details under the FOIA would be contrary to the officers' reasonable expectations.

As confirmed by guidance from the Information Commissioner's Office, disclosure of personal information will not be fair unless there is a justification for disclosure that outweighs the rights and freedoms of the individual.

It may be possible to justify the release of at least some of this information if it was likely that the decision making was affected by the officers' background and there were no measures in place to mitigate the risk of any bias or other deficiency on the part of IOPC employees.

Our recruitment process relies on evidence of merit and appropriate skills and the performance of staff is regularly monitored and reviewed in accordance with our performance and development review process. Any shortcomings in performance or conduct are addressed by managers under our policies relating to capability and conduct. The IOPC therefore has confidence in its staff being able to carry out their work to the required standard.

We conclude that your request does not identify a necessary justification for disclosure after taking into account our procedures and practice in relation to recruitment, performance management and staff development.

	<p>Accordingly, we have decided that disclosure would be neither lawful nor fair, with the result that the exemption at section 40(2) of the FOIA applies to this information.</p> <p><u>You asked: “any guidelines that you have which show how these decisions should be made”</u></p> <p>Referrals are assessed by Assessment Analysts based on knowledge, experience and judgment of the case and the environment at the time, along with consideration of the serious and sensitive factors that apply. A mode of investigation decision is then recommended. Assessment of a mode of investigation is not a precise science because a number of factors and circumstances may apply. Guidance is provided to Assessment Analysts regarding the serious and sensitive factors which must be considered for all referral assessments and this is attached for your information.</p> <div style="text-align: center;">  <p>Serious and Sensitive Factors Guidance.PDF</p> </div>
<p><u>Ref</u> <u>1007418</u> Back to top</p>	<p style="text-align: center;"><u>Police Chase Vehicle Accidents</u></p>
<p><u>Request</u></p>	<ol style="list-style-type: none"> 1. <i>Data relating to referrals and independent investigations that have the Road Traffic Incident factor over the last five years.</i> 2. <i>Data relating to referrals and independent investigations that have the Road Traffic Incident factor and Death factor over the last five years.</i> 3. <i>Data relating to referrals and independent investigations that have the Road Traffic Incident factor and Serious Injury factor over the last five years.</i>
<p><u>Response</u></p>	<p>We have looked at the referrals made to the IPCC/IOPC between 1 April 2014 and 31 January 2019. During this period we received 18,911 referrals.</p> <p>The IOPC records factors on cases so that it can monitor trends and themes in cases we deal with. A factor is a theme that might apply in the given circumstances of a case.</p> <p>Since case factors are manually selected by operational staff to help identify the nature of the circumstances of a case they should not be relied on to provide definitive data as application of case factors is reliant on individual discretion. A factor selected on a case involving a complaint may be relevant to the incident to which the complaint relates but may not be what the complaint is about. Therefore the data presented here should only be used for illustrative purposes only.</p>

The main case factor relevant to your request is 'Road traffic incident'. This factor covers all road traffic incidents involving the police including fatal and non-fatal. This factor should only be applicable to cases in which the police were directly involved in the road traffic incident and does not apply to cases in which the police are responding to a road traffic incident that has already occurred.

If the road traffic incident resulted in a fatality, the 'Death' factor should also be applied, or in cases where there is a serious injury, the 'Serious injury' factor.

The referrals received spreadsheet included in this response shows the number of referrals received by the IOPC between 01 April 2014 and 31 January 2019, whether there was a complaint or not, and the number of those referrals which had the Road traffic incident factor recorded. The additional columns show which of those with the Road traffic incident factor also had Death or Serious injury case factors recorded. This information has been presented in a table and shows the breakdown of these factors for each Appropriate Authority (local policing bodies, all 43 Home Office forces in England and Wales, and those agencies and non-Home Office forces that have agreements with the IOPC) over the last five years. Please note that years are financial years from 1 April to 31 March.

Please be advised that the figures are taken from our live case management system so may not match previously published data. The figures also include referrals originating from DSI, conduct and complaint matters. We are unable to break the figures down to give referrals exclusively originating from a complaint because there may be more than one referral for a particular case, but only the most recent type is held on our case management system.

Once a referral is made to the IOPC it must determine whether the matter should be investigated. If the IOPC decides that the matter should be investigated then it must determine the mode of investigation, having regard to the seriousness of the case and the public interest. The mode of investigation (MOI) may be:

- Local investigation – an investigation carried out by the police force on its own behalf
- Supervised investigation – an investigation carried out by the police force under the IOPC's supervision;
- Managed investigation – an investigation conducted by the police force under the direction and control of the IOPC; or
- Independent investigation – an investigation carried out by the IOPC.

The MOI determined by the IOPC will not necessarily correspond to the number of investigations started as multiple referrals relating to the same incident may be dealt with by a single investigation.

The IOPC records details of supervised, managed and independent investigations in its case management system. Statistics on local investigations carried out by forces are collected from forces on a quarterly basis and can be found on our website at the following link: <http://policeconduct.gov.uk/research-and-learning/statistics/complaints-statistics>

For further details on the process of an investigation please consult section 9 of our Statutory Guidance at the following link:

<http://policeconduct.gov.uk/investigations/statutory-guidance>

The independent investigations started spreadsheet included in this response shows the number of independent investigations started by the IOPC between 01 April 2014 and 31 January 2019. Please also note that these figures may not match previously published data due to them being taken from live data. During this period we started 2,632 independent investigations. The table shows independent investigations started with the Road traffic incident recorded, and of those with the Road traffic incident factor, those that have Death or Serious injury factors recorded.

You may be interested to know that we publish a report on deaths during or following police contact. This report includes data relating to road traffic incidents where someone has died and although does not contain all road traffic incidents it may be of use to you.

The report can be accessed on the IOPC website using the following link:

<https://policeconduct.gov.uk/research-and-learning/statistics/annual-deaths-during-or-following-police-contact-statistics>

More information about the role of the IOPC can be found in the IOPC Annual Report 2017/18. This can be found on the IOPC website using the following link:

<http://www.policeconduct.gov.uk/page/annual-report-and-plans>



Spreadsheet 1.pdf



Spreadsheet 2.pdf

<p><u>Ref</u> <u>1007443</u> Back to top</p>	<p><u>Protected Disclosure Allegations</u></p>
<p><u>Request</u></p>	<p><i>Between the 12 month period from 1 November 2017 to 31 October 2018:</i></p> <ol style="list-style-type: none"> <i>1. How many protected disclosure allegations were made by serving police officers against each other?</i> <i>2. Within this group how many contained an allegation of criminality by serving police officers against each other?</i>
<p><u>Response</u></p>	<p>We received one report, which we reasonably believe to be a protected disclosure, during this period.</p> <p>Persons making such reports can remain anonymous and may or may not identify themselves as members of the public, or as serving or former officers or police staff. In this case the person remained anonymous and identified themselves as an employee of the police force. We cannot confirm whether the person who made the report is or was a serving police officer.</p> <p>This report included at least one allegation of criminal conduct.</p>
<p><u>Ref</u> <u>1007444</u> Back to top</p>	<p><u>IOPC meeting with Deputy Mayor of Greater Manchester</u></p>
<p><u>Request</u></p>	<p><i>Beverley Hughes, Deputy Mayor of Greater Manchester, informed attendees at the Greater Manchester Police Federation meeting, 7/2/19, she had met with the Independent Office for Police Conduct (IOPC) regarding investigation times and improvement on quality. In respect of her public response to a specific question, namely, "What political pressure can be applied to IOPC to reduce investigation time and improve quality?"</i></p> <p><i>Please provide answers to the following questions and documentation where it exists:</i></p> <ol style="list-style-type: none"> <i>1. What date did this meeting take place?</i> <i>2. The venue of the meeting.</i> <i>3. What was the name and role of the IOPC representative(s) with whom Ms Hughes met.</i> <i>4. The names of other GMCA and/or IOPC representatives that were present.</i> <i>5. Emails between GMCA and IOPC arranging and confirming the meeting referred to.</i> <i>6. Minutes of the meeting regarding matters discussed.</i>

	<p>7. <i>Publications by IOPC regarding the abovementioned meeting.</i></p> <p>8. <i>All subsequent communications to regional offices IOPC and/Director General of IOPC.”</i></p>
<p><u>Response</u></p>	<p>We can confirm that some information is held that is relevant to your request and we have addressed each question below:</p> <ol style="list-style-type: none"> 1. The meeting took place on 22 March 2018. 2. The venue was Beverley Hughes’ office at Churchgate House, Oxford Street, Manchester. 3. Ms Hughes met with myself, Amanda Rowe IOPC Regional Director North West. 4. No other IOPC representatives were present. Clare Monaghan, Director of Police, Crime, Criminal Justice and Fire was also present from the GMCA as well as a member of staff from the Police and Crime Team at the GMCA. 5. Please find attached emails arranging the meeting. Please note that although the emails suggest that the meeting was arranged for 13 March 2018, the meeting actually took place on 22 March. The date was changed via telephone. <p>We have decided that you are not entitled to some of the information contained within the emails by virtue of an exemption at section 40(2) of the FOIA.</p> <p>Section 40(2) applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the General Data Protection Regulations (GDPR). In this case we need to ensure that any personal data is processed lawfully, fairly and in a transparent manner in relation to the individuals concerned.</p> <p>In assessing the fairness of disclosing personal information under the FOIA it is necessary to recognise that such disclosure is effectively an unlimited disclosure to the world at large, without conditions, which could lead to unwarranted intrusion resulting in damage or distress. In addition, there is no presumption under the GDPR that openness and transparency should take priority over personal privacy.</p> <p>We have taken into account guidance from the Information Commissioner’s Office (ICO) on responding to FOIA requests for personal information about public employees. In particular we have noted that there is greater expectation of privacy on the part of less senior staff who would not</p>

in general expect their posts to carry a level of accountability that would require the disclosure of personal details about themselves.

In our view none of the conditions under articles 6 of the GDPR would support disclosure of this personal data and any legitimate interest in disclosure at this time could not justify the invasion of privacy and potential distress that would be likely to result.

We consider therefore that compliance with your request, insofar as it would involve the disclosure of this personal data, would breach the data protection principles meaning that the exemption at section 40(2) of the FOIA applies to the parts we have redacted.

6. This information is not held as there were no formal minutes from this meeting. Attached is an extract from a post meeting update which includes a note about investigation times in comparison with previous years, which you may find helpful.
7. There were no publications regarding the meeting. This information is not held.
8. There were no communications to other regional offices or the Director General about this meeting. This information is not held.



R - 1007444 William Crow Documents - REDACTED COPY.pdf

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1007445
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IOPC IT Information

Request

Could I please request the following IT information for The Independent Office for Police Conduct under the Freedom of Information Act:

1. Local Area Network:

- *What Manufacturer is your LAN Network?*
- *What date does your support contract come up for renewal on the LAN Network?*
- *What is the current cost of the LAN Network Support?*
- *Which company is the support contract with?*

2. Contacts:

- *Who is responsible for ICT in the organisation and what are their contact details?*

	<ul style="list-style-type: none"> • <i>Who is responsible for ICT Infrastructure in the organisation and what are their contact details?</i> • <i>Who is responsible for ICT Purchasing in the organisation and what are their contact details?</i> <p>3. <u>Staff:</u></p> <ul style="list-style-type: none"> • <i>How many IT users do you have?</i> • <i>How many locations/offices do you have?</i>
<u>Response</u>	<p>Each part of your request is set out below, together with our response:</p> <p>1. <u>Local Area Network:</u></p> <p>a) <u>What Manufacturer is your LAN Network?</u></p> <p>Cisco.</p> <p>b) <u>What date does your support contract come up for renewal on the LAN Network?</u></p> <p>1 October 2019 / 1 December 2019.</p> <p>c) <u>What is the current cost of the LAN Network Support?</u></p> <p>We have decided that this information is exempt under section 43(2) of the FOIA. This states that information is exempt if its disclosure would or would be likely to prejudice the commercial interests of any person, including the public authority.</p> <p>In this case the commercial activity relates to the cost of network support. Disclosure under the FOIA is considered to be disclosure to the world at large, meaning that competitor suppliers would be able to refer to existing costs when submitting estimates for their services to the IOPC. The result would be that the IOPC would be less likely to purchase these products at the best price than would have been the case if the IOPC had not already revealed what it might be prepared to pay in a competitive market. In addition the incumbent supplier would be placed at a disadvantage should it negotiate a new contract with the IOPC.</p> <p>Section 43 of the FOIA is a 'qualified' exemption, meaning that the information can be refused only when the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p><u>The public interest in disclosure:</u></p> <p>This arises from the importance of the public being informed about the amounts being paid by the IOPC for these services so that they can decide</p>

for themselves whether or not public funds are being applied to the best possible effect.

The public interest in non-disclosure:

Like any public authority, the IOPC is required to deliver effective services from limited funds. Disclosure of specific information relating to what it has agreed to pay its contractors would be likely to undermine the capacity of the IOPC to achieve best value for money on behalf of the public.

Balance of the public interest:

While the public is entitled to enough information to decide whether the IOPC is spending its money wisely, the capacity of the IOPC to apply its resources efficiently would itself be undermined by the disclosure of these costs. I have concluded, therefore, that on balance the public interest in maintaining the exemption under section 43(2) outweighs the public interest in disclosure of this particular information.

d) Which company is the support contract with?

Redcentric / Sopra Steria.

2. Contacts:

a) Who is responsible for ICT in the organisation and what are their contact details?

Interim Head of ICT Paul Murray (until 15 April 2019).

Contact details:

Telephone switchboard 0300 020 0096

Email: enquiries@policeconduct.gov.uk

Postal address
Independent Office for Police Conduct
PO Box 473
Sale
M33 0BW

b) Who is responsible for ICT Infrastructure in the organisation and what are their contact details?

Interim Head of ICT Paul Murray.

c) Who is responsible for ICT Purchasing in the organisation and what are their contact details?

	<p>Interim Head of ICT Paul Murray.</p> <p>3. <u>Staff:</u></p> <p>a) <u>How many IT users do you have?</u></p> <p>1068.</p> <p>b) <u>How many locations/offices do you have?</u></p> <p>7 offices across England and Wales.</p>
<p><u>Ref</u> <u>1007449</u> Back to top</p>	<p><u>Mayor Burnham's Discussions with IOPC Officers</u></p>
<p><u>Request</u></p>	<p><i>This exclusive article was published yesterday and updated overnight.</i></p> <p>https://wp.me/p6Q3hf-2iJ</p> <p><i>May I please request a response to these questions:</i></p> <p>1. Mayor Burnham has stated, in writing, that discussions recently took place between himself, his deputy and senior IOPC officers.</p> <ul style="list-style-type: none"> - Was there a legal basis to the discussions, or were they informal? - When and where did they take place? - Which IOPC officers were involved? <p>2. Mayor Burnham has stated, in writing, that a local investigation will be undertaken into the complaint made by Mr Peter Jackson against GMP CC.</p> <ul style="list-style-type: none"> - Who will carry out the investigation? - Who will appoint the officer carrying out the investigation? - Is there an envisaged timescale (the complaint, as the IOPC is aware, was first made in June, 2018).
<p><u>Response</u></p>	<p>We have decided that the exemption under section 40(5)(b)(i) applies to your request with the result that we are not required to confirm or deny whether we hold the information to which you refer.</p> <p>Section 40(5)(b)(i) of the FOIA permits a public authority to neither confirm nor deny that it holds personal information about someone other than the requester when this confirmation or denial would contravene any of the data protection principles under Article 5 of the General Data Protection Regulation (GDPR).</p>

According to the information you have hyperlinked, your request is connected to a police complaint which has been appealed to the IOPC. If the IOPC had received this appeal, compliance with the duty to confirm or deny would unavoidably confirm the existence of the complaint, by and against whom it had been made, and some of the surrounding circumstances described in the information to which you refer.

As stating whether or not we held the information would involve the disclosure of personal data, we have considered whether this would be allowed by the data protection principles. In this case we have applied Article 5(1)(a), which requires that personal data be processed lawfully, fairly and in a transparent manner in relation to the individuals concerned.

When making this assessment, it is necessary to recognise that disclosure under the FOIA is effectively an unlimited disclosure to the world at large, without conditions, which could lead to unwarranted intrusion resulting in damage or distress. This is reflected in section 40(5)(b) itself, which refers to the giving of the confirmation or denial "to a member of the public". We would emphasise that these concerns do not arise in respect of private correspondence between the IOPC and the complainant or their representative.

In addition, there is no presumption under the GDPR that openness and transparency should take priority over personal privacy.

We have considered whether stating whether or not the information was held would be lawful or fair in relation to any individual concerned and have decided that it would not. Our assessment is that none of the conditions under article 6 of the GDPR, nor any applicable conditions in Article 9 GDPR or parts 2 and 3 of Schedule 1 to the Data Protection Act 2018, would support compliance with the duty to confirm or deny. We have noted that if we did hold this information, providing the required confirmation would not serve any legitimate interest that could justify the invasion of privacy and potential distress that would be likely to result.

In reaching this conclusion we have taken into account that only in exceptional cases does the IOPC name the persons involved in a public complaint. Usually this is in respect of a matter that the IOPC has chosen to investigate itself. When deciding whether an individual

	<p>should be named as the subject of a complaint we apply the factors set out in our published ‘Policy on the naming of police officers and police staff subject to IOPC investigation, appeal assessment or criminal proceedings’. In our view, none of these factors would be satisfied in the circumstances of the complaint described in the hyperlinked article.</p> <p>In considering whether section 40(5)(b)(i) may be engaged we have also taken into account the importance of maintaining a consistent stance in relation to requests about cases that we have chosen not to publicise. A failure to provide consistent FOIA responses in regard to these cases may result in the inadvertent disclosure of exempt information because a change of stance between requests could itself be taken as indication of whether relevant information is held, to the detriment of an individual whose privacy we are required to protect.</p> <p>We have decided, therefore, that your request engages the exemption under section 40(5)(b)(i) because confirming or denying whether we hold any information relating to your request would not be in accordance with the data protection principles.</p>
<p><u>Ref</u> <u>1007469</u> Back to top</p>	<p><u>Leicester Police Stoughton Drive Incident</u></p>
<p><u>Request</u></p>	<ol style="list-style-type: none"> 1. <i>I would like to know what is being done in response to Leicester Police for their part in causing the incident on Stoughton Drive in Oadby on 19/01/19. Any information to what has been and will be done to hold the police service to account for attempting to distort the facts to cover themselves in this tragic incident will be invaluable for closure.</i> 2. <i>I would greatly appreciate any information on the steps being taken, the investigation and the response from the Police Conduct Agency.</i> 3.
<p><u>Response</u></p>	<p>On 22 January 2019 the IOPC issued the following statement in response to a media enquiry about this incident:</p> <p>The IOPC is independently investigating Leicestershire Police’s involvement following an incident in which a man on foot sadly died when he was in collision with a car which had allegedly failed to stop for officers in Stoughton Drive South, Oadby, Leicester, at about 12.30am on the morning of Saturday 19 January. Our investigation, which is its early stages, follows a mandatory referral from the force and we will look at the contact between police and the car involved prior to the collision.</p>

On 25 January Leicestershire Police issued the following release:

Police have released the name of a man who died in a fatal collision in Oadby at the weekend. The incident happened in Stoughton Drive South at around 12.30am on Saturday (19 January). The pedestrian – 18-year-old Paul Radcliffe of Leicester - died as a result of the collision, which involved a black Mercedes S350. A 30-year-old man from Leicester was arrested on suspicion of drink-driving and causing death by dangerous driving. He was later released on conditional bail. Detective Constable John Borlase, from Leicestershire Police's Serious Collision Investigation Unit (SCIU), is continuing to investigate the collision. He said: "Our enquiries to date have led us to believe that Paul was on his way to catch a bus into Leicester with friends. "I am still asking anyone who was driving along Stoughton Drive South around the time of the collision to come forward. We are particularly keen to speak to taxi drivers or delivery drivers who may have been in the area and who have dashcams installed in their vehicles. "I'd ask those drivers to check their cameras if they haven't already done so for any footage that could help with our investigation. "Likewise I'd also ask for anyone who saw the collision occur or who saw the black Mercedes prior to the collision to come forward if they have not already done so."

As the Mercedes had failed to stop for police prior to the collision occurring and due to the proximity of the car to police vehicles, a mandatory referral was made to the Independent Office for Police Conduct (IOPC). They have begun an independent investigation. Anyone with information is asked to call 101, quoting incident 22 of 19 January.

As confirmed in this statement Leicestershire Police is carrying out its own criminal investigation. This means the IOPC is very restricted in what it can say about this incident owing to the need to protect the integrity of the on-going criminal process, as well as its own investigation.

At the end of the investigation the IOPC will submit its report to Leicestershire Police and HM Coroner.

Our 'Policy on the Publication of final reports and investigation summaries' is available on this page of our web site and confirms that the IOPC will publish an account of its investigations in nearly all of its cases. It is highly likely, therefore, that the IOPC will publish

	an account of this case when its investigation and all related proceedings are complete.
<u>Ref</u> <u>1007472</u> Back to top	<u>IOPC Decision Making Policies</u>
<u>Request</u>	<ol style="list-style-type: none"> 1. <i>Would you please email me a copy of the IOPC policy or similar which covers the making of decisions by the IOPC whether or not to publish on the IOPC website the existence of ongoing IOPC independent investigations.</i> 2. <i>Would you also please provide me with a copy of the IOPC guidance or handbook or similar which covers the making of decisions by the IOPC as to whether or not to provide information to other persons in the context of Section 21 of the Police Reform Act 2002 and in particular the making of decisions by the IOPC as to whether persons satisfied the IOPC or other criteria for the purpose of the IOPC deciding they were "other persons" for the purpose of that Section of that Act.</i>
<u>Response</u>	<p>Please find attached the IOPC and National Police Chief's Council media protocol which sets out the roles and responsibilities of police forces and the IOPC regarding communicating with the media and the public when the IOPC is conducting an independent investigation or managing an investigation under the Police Reform Act 2002. It also provides guidance on making decisions about when to publicise an investigation.</p> <p>We also enclose a copy of our Publication Policy which sets out the IOPC's policy on the publication of investigation reports following the conclusion of an independent investigation.</p> <p>Both policies are available on our website within the 'Communication' section of the following page:</p> <p>https://policeconduct.gov.uk/who-we-are/accountability-and-performance/our-policies</p> <p>In response to your second question, please find attached relevant extracts from our Operations Manual that covers guidance on who should be treated as an interested person in line with section 21 of the Police Reform Act 2002 as well as guidance regarding 'other parties'.</p>

	 1007472 attachment 1.pdf  Guidance from Operations Manual Interested Persons and other parties.pdf  publication-policy-for-final-investigation-reports-and-report-summaries-IOPC.pdf  IOPC-NPCC_Joint_Media_Updated_Protocol_2018.pdf
<u>Ref</u> <u>1007475</u> Back to top	Domestic Abuse Complaint Referrals
<u>Request</u>	<ol style="list-style-type: none"> 1. <i>How many referrals/complaints were made to the IOPC over the handling of domestic abuse cases in the following years;</i> <ol style="list-style-type: none"> a.) 2015 b.) 2016 c.) 2017 d.) 2018 e.) 2019 to date 2. <i>Please can I have the above figures broken down into each individual police force?</i> 3. <i>How many of the above complaints/referrals uncovered failings by the force/an officer?</i> 4. <i>Please can I have these figures broken down into years and police forces as specified above?</i> 5. <i>Where possible please specify more details about the case.</i>
<u>Response</u>	<p>Some of the information you have requested is held by the IOPC.</p> <ol style="list-style-type: none"> 1. Please can I have the above figures broken down into each individual police force? <ol style="list-style-type: none"> a.) 2015 b.) 2016 c.) 2017 d.) 2018 e.) 2019 to date

2. Please can I have the above figures broken down into each individual police force?

Complaints:

All complaints are recorded by the police force concerned in the first instance. Complainants may send their complaint directly to the IOPC but our role is limited to passing the complainant on to the relevant police force so they can consider whether it should be formally recorded. Therefore we do not hold data for the number of relevant complaints.

Referrals:

Forces are also required to refer certain incidents such as death or serious injury to the IOPC regardless of whether there has been a complaint.

The IOPC records factors on cases so that it can monitor trends and themes in cases we deal with. Some case factors are divided further into sub-factors so that more specific themes can be identified. Since case factors are manually selected by operational staff to help identify the nature of the circumstances of a case they should not be relied on to provide definitive data since application of case factors is reliant on individual discretion. A factor selected on a case involving a complaint may be relevant to the incident to which the complaint relates but may not be what the complaint is about. Therefore the data presented here should be used for illustrative purposes only.

The closest case factor we have that may cover force's case handling is 'Failure to investigate'. Within these referrals we also searched for those cases that had the 'Domestic Violence' sub-factor
In total we found 120 referrals received with both the 'Failure to Investigate' and 'Domestic Violence' factors selected, between 2014/15 and 2018/19 YTD. Each tab in the enclosed Excel document pertains to an individual financial year, and within these tabs are tables where the number of referrals received are listed by each factor and are then broken down further by force.

Once a referral is made to the IOPC it must determine whether or not the matter should be investigated. If the IOPC decides that the matter should be investigated then it must determine the mode of investigation, having regard to the seriousness of the case and the public interest. The mode of investigation may be:

- Local investigation – an investigation carried out by the force on its own behalf.
 - Supervised investigation – an investigation carried out by the police force under the IOPC’s supervision.
 - Managed investigation – an investigation conducted by the police force under the direction and control of the IOPC.
 - Independent investigation – an investigation carried out by the IOPC.
3. How many of the above complaints/referrals uncovered failings by the force/an officer?
 4. Please can I have these figures broken down into years and police forces as specified above?
 5. Where possible please specify more details about the case.

In order to answer questions 3 to 5, we would need to make a manual trawl of the cases. Section 12 (1) of the Freedom of Information Act sets out that a public authority need not disclose data requested if the authority estimates that the cost of complying with the request would exceed the appropriate limit. Regulations set out that the appropriate limit for the IOPC is £450. Time for staff to undertake manual searches to locate, identify and retrieve information is calculated at £25 per hour. This means that the limit is 18 hours.

We estimate that identifying information you have requested would take more than 20 hours to complete, based on an average of 10 minutes to locate, review and retrieve the details of each relevant case. To provide this information would breach the cost limits and therefore, the IOPC is not obliged to comply with this part of your request.

Notes:

Complaints received:

Only a proportion of complaints against the police are received by the IOPC, most complaints are made directly to the forces themselves. When the IOPC does receive a complaint against the police, our role is to forward the complaint to the relevant police force. Additionally, we do not view

	<p>complaints made via the IOPC website, these are forwarded to the force automatically.</p> <p>Also, a complaint case can have more than one allegation attached to it. From Q3 2012/13, the number of allegations recorded includes allegation categories that previously did not fall within the police complaints system.</p> <p>Complaints resolved</p> <p>A complaint case may be made up of one or more allegations, allegations within a single complaint case may be resolved in a different way. For this reason, the IOPC records how individual allegations were finalised as opposed to the complaint case as a whole.</p> <p>It is for the force to decide how an allegation is dealt with including the decision to locally resolve an allegation. The IOPC does not decide how an allegation is resolved unless it is referred to us.</p> <p><u>Complaints and appeals rejected:</u></p> <p>If the force choose not to record a complaint, we would not be aware of this unless the complainant made a non-recording appeal to the IOPC. I trust you will find this information useful. More information about the role of the IOPC can be found in the IPCC (now the IOPC) Annual Report 2017/18. This can be found on the IOPC website using the following link: http://www.policeconduct.gov.uk/page/annual-report-and-plans</p> <div style="text-align: center;">  Copy of Data Tables for DR805 Final.pdf </div>
<p><u>Ref</u> 1007466 Back to top</p>	<p style="text-align: center;">IOPC Disclosure Issues</p>
<p><u>Request</u></p>	<p>1) <i>Has your organisation lost any documents on a train within the last 10 years?</i></p> <p>2) <i>How many cases the IPCC/IOPC investigate are withdrawn due to disclosure problems?</i></p>
<p><u>Response</u></p>	<p>In relation to part 1 there have been two incidents of documents being left on trains in the past 10 years. Both were either low or no risk. One set of documents was recovered.</p> <p>You have clarified part 2 of your request as requiring the number of cases in which, under para 27(8) of schedule 3 of the Police Reform Act 2002</p>

(PRA), the IOPC has withdrawn a direction to bring disciplinary proceedings in circumstances where disclosure problems were relevant to the decision to withdraw. This was the background to the Kennedy-Macfoy case on which you have based your request. As you have not specified the period of time in which the IOPC may have withdrawn such a direction your request could be understood as relating to the period from 1 April 2004 (the date on which the IPCC came into existence) to the date on which your request was received; however we have not proceeded on that basis, as explained below.

We can confirm that we hold this information because it is likely to be recorded in our investigation files, but it is not recorded in a formal way and is therefore difficult to retrieve. Having consulted with our legal team, they could only recall the case mentioned above and we therefore anticipate the number to be low. We have estimated, however, that the work involved in identifying the cases that answer the terms of your request would exceed the cost limit under section 12 of the FOIA. We have decided, therefore, that we are not obliged to comply with your request. Our reasons are as follows.

The data you require cannot be identified and retrieved by means of automated searches of our case management system. Some information about the outcomes of our investigations is recorded manually by operational staff in an IOPC database, known as the Outcomes Tracker that has only been in use since 1 April 2015. There are a number of issues surrounding the completeness of the data recorded and we are unable to provide specific data to meet the requirements of your request. We are working to improve the quality of our data in this area.

For the period 1 April 2015 and 28 February 2019, the data currently held within the outcomes tracker does not indicate any instances where the IOPC made a direction that was then later withdrawn. We hold information for 2781 subjects (i.e. persons who were subject to IOPC investigation). Of these the IOPC found a case to answer for misconduct in relation to 977 subjects. For each of these subjects we would have to establish whether:

1. Disciplinary proceedings were directed by the IOPC
2. Any such direction was later withdrawn by the IOPC
3. There was a connection between any withdrawal and disclosure problems in the case.

In the case of the IOPC, the cost limit under section 12 is set at £450 or 18 hours work at £25 per hour. We estimate that finding and retrieving the data from the documents containing it would take an average of approximately 10 minutes per file. On this basis, we have concluded that even if we were to limit the scope of your request to data recorded from 1 April 2015 to 28 February 2019, the work involved in finding the required data would exceed the 18 hour cost limit by a significant margin.

Compliance with your request would be much more time consuming if we were to include cases from before 1 April 2015, since very little data relating to withdrawals or any other outcomes for investigation subjects was extracted before that time.