

FOI Ref: FOI/OPCC/18-011

30<sup>th</sup> April 2018

Dear Member of the Public

I am writing in response to your request for information under the Freedom of Information Act 2000, dated 5<sup>th</sup> April 2018.

Your request referred to the statement made by the Office of the Police and Crime Commissioner (OPCC) dated 15<sup>th</sup> May 2017, regarding Andy Coles, and you sought the following information:

- 1) a complete copy of the referral that was made by the Police and Crime Panel to the IPCC;
- 2) complete copies of all documents held by the Office of the Police and Crime Commissioner for Cambridgeshire and Peterborough and the Police and Crime Panel on this matter;
- 3) complete copies of all correspondence between the IPCC and the Office of the Police and Crime Commissioner for Cambridgeshire and Peterborough/the Police and Crime Panel relating to this matter.
- 4) a schedule of documents which relevant to your request, (a brief description of each relevant document, the date of the document, and whether the document is being released or not.)

The Freedom of Information Act 2000 ('the Act') creates a statutory right of access to information held by authorities. The Act requires a public authority in receipt of the request to:

- confirm whether they hold the requested information and if so,
- communicate the requested information to the applicant.

The right of access to information is subject to a number of exemptions that enable public authorities to withhold information that is not suitable for release. Therefore, in considering requests for information under the Act, a public authority needs to consider whether there could be potential harm that might result from disclosure of information, and subsequently to determine the likelihood of the harm occurring.

The OPCC has considered the matters you raised in your FOI request in respect of the information the OPCC hold.

The OPCC's position is as follows in response to all of the requests numbered 1- 4 above:

These requests includes issues that:

- i. Any public authority, including the OPCC, would need to be mindful of when considering such requests and determining whether the information can be released.

In such circumstances, public bodies would need to give consideration to prejudicing, or the likelihood of prejudicing, the conduct of public affairs. In respect of all four of your requests, the Act enables public bodies to consider and determine whether the Section 36 exemption in the Act has been triggered. Section 36 of the Act states that 'providing information is prejudice to the effective conduct of public affairs, specifically (1) (b) information held by any public authority and (2) (c) would otherwise prejudice or would likely to prejudice the effective conduct of public affairs'.

- ii. Would trigger Section 40 of the Act, in particular (1) 'any information to which a request for information relates is exempt if it constitutes personal data of which the applicant is the data subject'.

The OPCC has considered and determined that the subject matter raised in all four of your FOI requests has triggered exemptions under **Section 36** of the Act 'Prejudice to effective conduct of public affairs' and **Section 40** of the Act 'Personal Information', and it is not within the public interest to provide the information you have requested.

Please note that the Cambridgeshire Police and Crime Panel is the responsible body for dealing with complaints against a Deputy Police and Crime Commissioner. Contact details for the Police and Crime Panel and the Panel's Complaints Procedure can be found on the link below:

<http://democracy.peterborough.gov.uk/mgCommitteeDetails.aspx?ID=543>

The OPCC trust that the information provided above meets your needs. However, if you are unhappy with this response, please see the attached 'satisfied with our service' document, which sets out your rights to appeal.

Yours sincerely

On behalf of the OPCC