

FOI Disclosures September 2022

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This month we have responded to questions relating to the following topics:

- [Investigation following Bolton Anti Fascism public protest in March 2010](#)
- [Complaint reports related to Operation Linden](#)
- [Subjects access requests relating to reviews and appeals](#)
- [Hampshire Constabulary investigation report](#)
- [Call-off contracts awarded by the IOPC](#)
- [Bijan Ebrahimi investigation report](#)
- [Referrals by HMRC relating to suicide](#)
- [FOI Internal Reviews](#)

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> <u>5023688</u> Back to top	<u>Investigation following Bolton Anti Fascism public protest in March 2010</u>
<u>Request</u>	<i>You requested information relating to an investigation following an incident involving police and protesters during a public demonstration involving the English Defence League and Unite Against Fascism in Bolton in March 2010. Specifically, you asked for release of the 'internal review', which we understand to be the investigation report, as well as the reasons that it was not published at the time.</i>
<u>Response</u>	<p>This incident was subject to an IPCC managed investigation. A managed investigation was conducted by the police but under the direction and control of the IPCC. The IPCC was responsible for setting the terms of reference in consultation with the force and for approving the nominated investigator. Overall responsibility for the investigation lay with the IPCC; however tasks such as writing the final report would be carried out by the police investigator under the IPCC's direction. The IPCC would then sign off the final report to confirm the investigation met the terms of reference.</p> <p>In this case it was Greater Manchester Police Professional Standards Branch that undertook the investigation and produced the final report.</p> <p>We have decided that you are not entitled to a copy the investigation report because it is exempt under sections 30 and 40 of the FOIA.</p>

In the case of information falling within the terms of section 30, we are refusing your request because the public interest in maintaining the exemption outweighs the public interest in disclosure.

A decision was taken at the time by an IPCC Commissioner not to publish the full report and this rationale has been a key factor in our conclusion that no further information should be disclosed under the FOIA.

In response to the second part of your request we are disclosing the rationale that is held on our records but are relying on an exemption under section 40(2) of the FOIA to exclude certain parts.

The recorded rationale is as follows:

Commission decision on publication

I have considered the representations made by the complainants at our meeting with them and the broader context of this case in deciding whether / when we should publish the GMP and IPCC addendum reports. In particular I have considered:

[REDACTED]

[REDACTED]

- *The public interest in openness of our work and that we have indicated that we would publish at the conclusion of processes*
- *The degree to which the facts of the case and the evidence has already been widely reported in local and national media and the extent to which findings and views of the IPCC are already known and in the open.*
- *That it was not our policy to publish managed investigation reports at the time of these events*
- [REDACTED]
- *The passage of time from these events & reporting and the lack of contact or further enquiries about this case from local communities or reporters*

On balance I feel that sufficient is already known about our views and this case from the media coverage and the criminal processes to make [REDACTED] simply to pursue a small degree of further openness an oppressive step.

[REDACTED]

In the meantime my decision is that the report should not be published.

<p><u>Ref</u> <u>5023693</u> Back to top</p>	<p><u>Complaint reports related to Operation Linden</u></p>
<p><u>Request</u></p>	<p><i>You provided a link to a Sky News article that referred to an IOPC report following public complaints made against South Yorkshire Police relating to child sexual exploitation. Your request was as follows: "Please provide that report...in full, without redactions, and naming senior officers."</i></p>
<p><u>Response</u></p>	<p>The information you are seeking is linked to a particular strand of the Operation Linden investigation into child sexual exploitation. We have published a detailed overarching report relating to that investigation which includes summaries of the complaints that were considered, including those referenced in the Sky News article.</p> <p>We have decided that you are not entitled to a copy of the 'full report, without redactions' relating to those particular complaints because it is exempt under sections 30 and 40 of the FOIA.</p> <p>In the case of information falling within the terms of section 30, we are refusing your request because the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p>Our published overarching report of Operation Linden contained detailed summaries of the complaints that were considered as part of this investigation. We consider this information to be a proportionate response to the public interest in transparency and accountability. We have taken into account the competing public interest in preserving the confidentiality of investigations and the persons to whom they relate, as well as the strong likelihood that a redacted version of the full report would not leave the public any better informed about this case and would do little to advance the broader interests of transparency.</p> <p>We also need to make sure we balance the rights of the individuals with the interests of the public. It is significant that there is no presumption under the GDPR that openness and transparency should take priority over personal privacy. Disclosure under the FOIA must be the least intrusive means of achieving any legitimate aim in question. Given that we have published detailed summaries of the complaints that were considered as part of Operation Linden, which includes those referenced in the Sky News Article, we consider that this sufficiently and proportionately satisfies the public interest in our work. Consequently we have concluded that disclosure of additional personal data contained in the full report would be unnecessary and inherently unfair.</p>
<p><u>Ref</u> <u>5023695</u> Back to top</p>	<p><u>Subjects access requests relating to reviews and appeals</u></p>
<p><u>Request</u></p>	<p><i>How many Subject Access Requests have been made by complainants to the IOPC requesting the information about their complaint, each year for the last 3 years. And how many Subject Access Requests in total have been made, each year for the last 3 years.</i></p>

	<p><i>You clarified that your request was seeking ...the numbers of SARs made by individuals who have submitted their review/ appeal to the IOPC for information relating to those reviews/appeals.</i></p>								
<p><u>Response</u></p>	<p>In response to the first part of your request we have identified the number of SARs that were allocated to our National Operations function. This is the department responsible for handling reviews and appeals, amongst other things such as referrals, our call centre and investigations. However we do not record a more detailed breakdown of the type of case that a SAR relates to within that National Operations function. Consequently we do not have an automated way of retrieving SARs that relate exclusively to reviews or appeals as per your request.</p> <p>This means that in order to establish the number of SARs received by the National Operations function that meet the precise requirements of your request, we would need to consider each SAR description individually and undertake some validation work on each case. This would involve a more detailed assessment of a total of 720 requests. Because SARs are purpose blind, we do not necessarily receive details of why an individual requires their personal information and, due to the vast array of request descriptions, including broad requests such as <i>'any information about me'</i>, any assessment of these cases could only ever be subjective and could not be considered as a comprehensive indicator.</p> <p>We have decided that the work involved in assessing each individual case in order to locate and extract data that falls in the scope of your request would far exceed the cost limit as prescribed by section 12 of the FOIA and associated regulations, which equates to 18 hours of work. Even if we were to attempt to carry out this work for a reduced time period, involving fewer cases, we consider that the subjectivity of such case descriptor assessments would mean that the data would not be comprehensive enough to allow comparison or analysis. Consequently we have decided that we are not obliged to conduct these activities to respond fully to the first part of your request.</p> <p>We have however provided below the total number of SARs received over the past three years. To give an idea of the proportion of these SARs that relate to our operational work, we have provided the number that were attributed to our National Operations function. As explained above these SARs will not necessarily relate exclusively to reviews or appeals.</p> <p>We found the following information:</p> <table data-bbox="411 1641 1390 1776"> <thead> <tr> <th><u>Total SAR Received:</u></th> <th><u>Total of which relate to Operations</u></th> </tr> </thead> <tbody> <tr> <td>2019/2020 – 371</td> <td>2019/2020 – 293</td> </tr> <tr> <td>2020/2021 – 316</td> <td>2020/2021 – 231</td> </tr> <tr> <td>2021/2022 – 325</td> <td>2021/2022 – 196</td> </tr> </tbody> </table>	<u>Total SAR Received:</u>	<u>Total of which relate to Operations</u>	2019/2020 – 371	2019/2020 – 293	2020/2021 – 316	2020/2021 – 231	2021/2022 – 325	2021/2022 – 196
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<p><u>Request</u></p>	<p><u><i>The investigation report relating to Andrew Toseland</i></u></p>								

<u>Response</u>	The report can be found on the National Archives website via this link: [ARCHIVED CONTENT] Andrew Toseland - Hampshire Constabulary Independent Police Complaints Commission (nationalarchives.gov.uk)																								
<u>Ref</u> 5023735 Back to top	<u>Call-off contracts awarded by the IOPC</u>																								
<u>Request</u>	<i>I have identified some potential call-off contracts awarded by the Independent Office for Police Conduct, but I can't find details of the framework agreements they were awarded from. I have identified these contracts as possible call-off contracts, so some of them might not be. Some could be, for instance, procured directly (without being called off Therefore I would kindly ask you to specify in these incidences what kind of procurement was used in the "Title of framework used" column.</i>																								
<u>Response</u>	<table border="1"> <thead> <tr> <th>reference</th> <th>title</th> <th>description</th> <th>url</th> <th>title of framework used</th> <th>IOPC Comments</th> </tr> </thead> <tbody> <tr> <td>819b0bf3-8b40-4ad5-9ac6-191acd8f8ec8_award</td> <td>Applicant Tracking System (ATS)</td> <td>For the provision of an Applicant Tracking System (ATS) for IOPC</td> <td>https://www.contractsfinder.service.gov.uk/Notice/819b0bf3-8b40-4ad5-9ac6-191acd8f8ec8</td> <td>G-Cloud 12</td> <td></td> </tr> <tr> <td>f3340167-8b3a-4e86-834b-4b2becfadd00_award</td> <td>Learning and Development Level 5 Apprenticeship</td> <td>Learning and development Apprenticeship Level 5</td> <td>https://www.contractsfinder.service.gov.uk/Notice/f3340167-8b3a-4e86-834b-4b2becfadd00</td> <td>CCS RM6102 - Dynamic Marketplac</td> <td></td> </tr> <tr> <td>0899e8c5-8d4f-4008-968d-4a79661fe789_award</td> <td>Tricostar Legal Case Management System</td> <td>Contract for the provision of legal case management to the IOPC</td> <td>https://www.contractsfinder.service.gov.uk/Notice/0899e8c5-8d4f-4008-968d-4a79661fe789</td> <td>Contract Novation via STA</td> <td>This agreement was originally put in place with Sopra Steria in 2010. During the ICT Exit process, it was a requirement to have this contract novated to the IOPC for a short period via STA and this contract has now expired.</td> </tr> </tbody> </table>	reference	title	description	url	title of framework used	IOPC Comments	819b0bf3-8b40-4ad5-9ac6-191acd8f8ec8_award	Applicant Tracking System (ATS)	For the provision of an Applicant Tracking System (ATS) for IOPC	https://www.contractsfinder.service.gov.uk/Notice/819b0bf3-8b40-4ad5-9ac6-191acd8f8ec8	G-Cloud 12		f3340167-8b3a-4e86-834b-4b2becfadd00_award	Learning and Development Level 5 Apprenticeship	Learning and development Apprenticeship Level 5	https://www.contractsfinder.service.gov.uk/Notice/f3340167-8b3a-4e86-834b-4b2becfadd00	CCS RM6102 - Dynamic Marketplac		0899e8c5-8d4f-4008-968d-4a79661fe789_award	Tricostar Legal Case Management System	Contract for the provision of legal case management to the IOPC	https://www.contractsfinder.service.gov.uk/Notice/0899e8c5-8d4f-4008-968d-4a79661fe789	Contract Novation via STA	This agreement was originally put in place with Sopra Steria in 2010. During the ICT Exit process, it was a requirement to have this contract novated to the IOPC for a short period via STA and this contract has now expired.
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<u>Request</u>	<i>Please could you forward me a pdf version of the report into police conduct with regards to Bijan Ebrahimi who was murdered in Bristol. I believe the report was first published in July 2017.</i>																								
<u>Response</u>	The investigation report relating to Bijan Ebrahimi was published on the IPCC website and can now be found in PDF format on the National Archives website via the following link: https://webarchive.nationalarchives.gov.uk/ukgwa/20180301161130/https://www.ipcc.gov.uk/cy/node/22127																								
<u>Ref</u> 5023641 Back to top	<u>Referrals by HMRC relating to suicide</u>																								
<u>Request</u>	<i>1. Since September 2018, how many cases of suicide have been referred by HM Revenue and Customs to the IOPC?</i>																								

	<p>2. Since September 2018, how many cases of attempted suicide have been referred by HM Revenue and Customs to the IOPC?</p> <p>3. Since September 2018, how many cases of suicide referred by HM Revenue and Customs to the IOPC have resulted in action, or any type of other decision against HMRC?</p> <p>4. Since September 2018, how many cases of attempted suicide referred by HM Revenue and Customs to the IOPC have resulted in action, or any type of other decision against HMRC?</p> <p>5. For all those numbers provided above to questions 1-4, please provide details of any which have been linked in any way to the loan charge and/or disguised remuneration.</p>
<p><u>Response</u></p>	<p>The IOPC holds the information you have requested under parts 1 and 2. However, we have decided to withhold the information for the reasons we will explain below.</p> <p>In regard to parts 3 and 4, we have explained in our previous emails that only in certain circumstances will the IOPC hold information about the outcome of an investigation following a referral. It is clear that we do not hold information about the outcomes of all matters referred to us by HMRC, whether or not these related to suicide or attempted suicide. In addition, some referrals do not result in any investigation. The IOPC has not carried out a directed or independent investigation into a case of apparent suicide or attempted suicide referred by HMRC since September 2018. We cannot therefore provide the data you require under 3 and 4.</p> <p>If, under part 5, you are seeking the outcomes of all referrals identified under parts 1 and 2 that also relate to loan charges and/or disguised remuneration, we could not provide this for the same reasons.</p> <p>We recommend that you make a separate request to HMRC for information about the outcomes, including decisions or other action, of all completed investigations falling within the scope of your request, as they are likely to have the more complete data set.</p> <p>We have decided not to disclose the information you have requested under parts 1 and 2 because it is exempt under section 44(1)(a) of the FOIA. In this case the enactment prohibiting disclosure is the Commissioners for Revenue and Customs Act 2005 (CRCA) which should be read together with the Regulations to which it refers.</p> <p>Section 29(3) of the CRCA sets out the position as regards the confidentiality of information provided to the IOPC in connection with the complaints and misconduct functions of HMRC. The effect of section 29 is to prohibit the IOPC from disclosing information received from the HMRC under its complaints and misconduct functions, except where the release of such information is expressly allowed by Regulations.</p> <p>While you have not specified the “details” that you require under part 5, it is clear that case details would be exempt under section 44(1)(a) to any extent that they had been obtained in the course of our functions in relation to HMRC. This exemption would also apply to confirmation of the number of referrals we have received relating to matters involving the loan charge / disguised remuneration and apparent suicide or attempted suicide.</p>

<u>Ref</u> <u>5023721</u> Back to top	<u>FOI Internal Reviews</u>
<u>Request</u>	<i>Please can you advise me of the percentage of reviews of your original decisions which the FOI Internal Response Team does/does not withhold.</i>
<u>Response</u>	<p>We hold data for the outcomes of FOI internal reviews going back to 1 January 2014.</p> <p>Since then we have decided 197 internal reviews with the following outcomes:</p> <p>Original IPCC/IOPC response upheld in full 159 (80.7%) Original IPCC/IOPC response partly upheld 29 (14.7%) Original IPCC/IOPC response overturned 9 (4.6%)</p>