



Northamptonshire Police and Crime Commission

Freedom of Information Act Request Response No. 30092016-1

Question

"I therefore ask for any and all data (papers, notes, computer records, DVD's etc) concerning this case under current FOIA legislation."

Answer

The Office of the Northamptonshire Police and Crime Commissioner can neither confirm nor deny that it holds the information you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of exemption S40(5) – Personal Data. This is an Absolute Class Based Exemption. However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

By way of an explanation, even if you know such information exists, if I were to confirm that the police holds such personal information to you as the requestor under the Freedom of Information Act 2000, I would in effect, be releasing that information to the world as a whole and would be in breach of the Data Protection Act 1998. You would not wish your data to be released to the world in general and as such a request for information for 'personal data' continues to be dealt with under the provisions of the Data Protection Act 1998.

I have therefore considered your request for information and determined that your request should properly be dealt with under the continuing provisions of the Data Protection Act 1998 and not the Freedom of Information Act 2000.

I am required by statute to offer advice and assistance to persons seeking information. In that spirit, I have to advise you that if any person wishes to make an application under the Data Protection Act for their own information, A Subject Access Request needs to be submitted and a fee of £10.00 is also required, any cheque being made payable to 'The PCC for Northamptonshire'.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Martin Scoble, Chief Executive, Office of the Northamptonshire Police and Crime Commissioner, West Wing, Force Headquarters, Wootton Hall, Northampton, NN4 0JQ

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Council.