

FREEDOM OF INFORMATION REQUEST REFERENCE NO 2015-015

Your request has now been considered under the Freedom of Information Act 2000 (the Act) and we provide our response below.

You asked:

Please can you tell me whether the PCC, or any employee of the PCC's office, has been charged with any criminal offence since 1 January 2014, and if so:

1. The name of the individual concerned.
2. The date set for their first appearance in court.
3. What they were charged with.

Your request for information has been considered under the Freedom of Information Act 2000 (the Act) and our response is as follows:

The Office of the Police and Crime Commissioner for Dorset is not obliged to meet your request under the Freedom of Information Act (the Act), because the information that you request is considered sensitive personal information under the Data Protection Act 1998 and is therefore specifically exempt under the Act.

Section 40(5) Refusal Notice – Personal Information

Section 1 of the Act places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1) (a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the Act requires that we provide the applicant with a notice which: (a) states that fact, (b) specifies the exemption(s) in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The Office of the Police and Crime Commissioner for Dorset can neither confirm nor deny that it holds the information you have requested, because the duty in Section 1(1)(a) of the Act does not apply and the following exemption is engaged.

Section 40(5) – Exempts the Office of the Police and Crime Commissioner for Dorset from its duty to confirm whether or not requested personal information is held by us, where such a confirmation would breach any individual's rights under the Data Protection Act 1998. Disclosures under the Freedom of Information Act are disclosures to the world and not just to the individual requestor. To confirm whether or not the Office of the Police and Crime Commissioner for Dorset holds any relevant information would confirm to the world that the police held information on or from particular individuals. This would breach the right to privacy provided by the Data protection Act 1998 to everyone.

No inference can be taken from this refusal that any such information does or does not exist.