



Email: [REDACTED]

4 June 2015

Martin Scoble,
Chief Executive,
Office of the Police and Crime Commissioner for Humberside,
Tower Grange Police Station,
Holderness Road,
Hull,
HU8 9HP

Dear Mr Scoble,

This is an appeal under the Freedom of Information Act.

On 8 May 2015 I requested information under the Freedom of Information Act. I wanted to know whether the PCC or any member of his staff had been charged with a criminal offence since the 2012 PCC elections.

On 21 May I received a response to my request from Louise Johnson to the effect that this information was exempt under section 40(2) of the Act, which covers personal data.

I appeal this refusal of my request on the basis that the fact of whether a person has been criminally charged is a matter of public record.

Court proceedings become active, the defendant's name and the charge sheet can be obtained from the court's listings office, and indeed such information is actively displayed on a printed listings sheet within the court.

The court proceedings themselves are also held in public.

Police forces routinely and proactively inform the media when an officer is charged with an offence.

There are no qualms on the basis of privacy in such cases, and what's good enough for police forces should be good enough for PCCs and their employees.

I find strange your refusal to confirm or deny whether data on any criminal charges faced by the PCC or any of his employees is even held by your office.

Other PCCs have responded to my request confirming whether or not any criminal charges have been brought against them or their staff and giving the details asked for.

PCCs that have not cited exemptions include: Thames Valley, Greater Manchester, North Yorkshire, Bedfordshire, Essex, West Mercia, Northamptonshire, Lincolnshire and Surrey.

The comparatively open and transparent attitude of these PCCs would seem to me to undermine your office's stance that such information cannot be released to the media and that you cannot even confirm or deny its existence.

A specific precedent was set in the case of Amy Evans, an employee of the office of the Nottinghamshire PCC who pleaded guilty to breaching the Data Protection Act in March of this year. The Nottinghamshire PCC's press office promptly released this information to the media at the time of the case.

In cases where a judge grants anonymity to a defendant or imposes reporting restrictions, you would still be able to provide such information to journalists such as myself as it is ultimately the responsibility of editors and publishers, rather than providers of the information, to check whether any such restrictions exist.

Be advised that, should you reject this appeal, I intend to appeal to the Information Commissioner.

I may also choose to write an article publicising the fact that your office has claimed exemption in this way.

Thank you for your consideration of this appeal and I look forward to hearing from you within 20 working days of receiving this correspondence.

Yours sincerely,

[Redacted signature]
[Redacted name]
[Redacted address]
[Redacted phone number]
[Redacted mobile number]
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