

## FREEDOM OF INFORMATION REQUEST – FOI 704

Question 1:

FOI request on the case involving Nick Gargan where he was found guilty on eight counts of misconduct. We learned from the findings that Nick Gargan was found guilty of passing information from the force to somebody. What we didn't find out from the case was the details of the information he passed or indeed who's information it was. Clearly they are a victim in all of this. It has never been made public and we do not know if they have been notified that their details have been passed around.

Answer 1:

Information is held regarding correspondence with other persons. However, this information has been withheld. The exemption applicable to this is Section 40(2), third party personal information. This is an Absolute exemption under the Freedom of Information Act (the FOI Act), therefore there is no requirement to conduct a harm or public interest test. Any information is exempt from disclosure under the FOI Act if it relates to or is supplied by another individual and disclosure of that information would contravene any of the principles of the 1998 Data Protection Act, in this particular case, disclosure of this information would contravene Principles 1 and 2 of the Act, whereby personal data shall be processed fairly and lawfully and only obtained for one or more specified purposes or purposes. In this case there is sensitive personal information.

In addition to the personal information disclosure exemption, please be advised that information regarding Nick Gargan's Misconduct Hearing is already published on the PCC's website. Therefore, for this reason and in accordance with the FOI Act, there is no obligation for the PCC's office to supply this information. The exemption applicable to this information is Section 21: Information reasonably accessible by other means. This is an absolute and class based exemption and as such does not require a harm and public interest test.

With the aim of assisting you and for ease of reference, the details of the Misconduct Hearing and the associated reports can be found on the PCC's website and a link is provided below:

<https://www.avonandsomerset-pcc.gov.uk/ARCHIVE-2012-April-2016/News-and-Events-2012-Apr-2016/News-archive-2015/Aug/PCC-starts-process-for-Chief-Constable-Nick-Gargans-resignation.aspx>

In accordance with the Freedom of Information Act, this reply represents a Refusal Notice for your request.