

Wednesday 5th August 2020
CON-27936

Sent via email to: [REDACTED]

Dear [REDACTED]

RE: FREEDOM OF INFORMATION REQUEST – FOI820 – CON-027936

Avon and Somerset Police and Crime Commissioner's (PCC's) office have now completed the search for the information which you requested on the 9th July 2020.

Your request:

1. A copy of the audio recording from a specific Avon and Somerset Police Appeal Tribunal.

Our response:

Whilst we appreciate your involvement in this case, being the complainant. Together with the fact this was an open hearing, available to the public to attend. This does not give you an automatic right to the audio recording. Had you attended in person and been privy to the proceedings, this would still not entitle you to a copy.

Disclosures made under the Freedom of Information Act, are essentially disclosures to the general public, and we therefore are unable to consider your personal reasons for requesting the information. We need to consider the consequences of the wider dissemination of the requested information.

Under the legislation, the audio relates to an appeal hearing for an identifiable officer, therefore the information constitutes personal information.

The exemption applicable to the information is Section 40 (2), personal information, which is an Absolute exemption. Any information to which a request relates is exempt if it constitutes personal data of which the applicant is the data subject or not the data subject and if disclosure of that information to a member of the public would contravene any of the principles set out in:

- (a) Article 5(1) of the GDPR, and
- (b) Section 34(1) of the Data Protection Act 2018;

Personal data shall be processed fairly and lawfully and only obtained for one or more specified purpose or purposes.

The facts of this case have been made public, and therefore the actions taken by the Constabulary are transparent. There is no further public benefit in disclosure of the audio that would outweigh the rights afforded to the subject of the information under GDPR/DPA.

I trust that satisfies your question. Any further updates you may require should be done so outside the remit of the legislation for the reasons set out above.

If you are unhappy about how your request has been handled and wish to make a complaint or request a review of the decision then you should write to:

The Interim Chief Executive
Avon and Somerset Police and Crime Commissioner's Office
Valley Road
Portishead
Bristol
BS20 8JJ

Please note, Avon and Somerset Police and Crime Commissioner's office provides you with the right to request a re-examination of your case under its review procedure. The appeals document is attached for your reference.

If you are not content with the outcome of your complaint, 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 Avon and Somerset Police and Crime Commissioner's office. The Information Commissioner can be contacted at: <http://ico.org.uk/>.

Yours sincerely,

Freedom of Information Officer

Avon and Somerset Police and Crime Commissioners Office