

Our Reference
Date

OPCC FOI950 33987
24 March 2023

Dear [REDACTED]

Re: Request for internal review under the Freedom of Information Act

I write in relation to your above referenced request, dated 24 February 2023. I have carried out the review of the handling of your request for information dated 10 January, and the response provided to you by colleagues within the OPCC. In line with the ICO guidance, I can confirm I was not involved in the handling of your request for information.

Your request for review:

Within the released information there is a redacted section of an email which despite request has not been released.

The original response to my FoI request stated:

“Within the documents there are several redactions, the exemption applicable to this is Section 40(2), third party personal information. This is an Absolute exemption so therefore there is no requirement to conduct a harm or public interest test. Any information is exempt from disclosure under the Freedom of Information 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, set out in:

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

Despite this a section has been redacted and later explained as “irrelevant to the question”. Whilst this redacted information may well be “irrelevant” to the question I feel it would have been pertinent to explain that a redaction had been made for this reason in the original response.

The PCC office is a public office and the PCC is expected to behave in accordance with the Nolan Principles, namely:

Selflessness
Integrity
Objectivity
Accountability
Openness

Honesty
Leadership

The redaction in the case stated and the further two refusals to release the email without the redaction seems to me to completely ignore several of these principles. Whilst I can understand that the redaction may well be an irrelevant statement, the easiest way to show this to be the case would have been to simply release the information when requested for transparency reasons.

I would appreciate this email now being released to me without the redaction applied, should it not be released I feel I will be left with no other option than to make a complaint to the information commissioner office.

Review of the response to your original request

I have reviewed the handling of your request for information, and have determined that the information in the paragraph in question fell outside the scope of your request. It related to an entirely different issue, and it was reasonable to exclude this in line with section 8 of the Act. I have therefore decided to **uphold the initial decision** made on 7 February.

However, in response to your further request for this specific paragraph, and in the interests of transparency, I am **disclosing this information** to you below.

I also acknowledge that the OPCC response to you dated 7 February should have made clear that the paragraph in question had been redacted as it was out of scope, alongside the other redactions which had been made as stated in order to remove third-party personal information (under s40(2)). We aim to be clear and transparent in how we respond to requests for information, and learning from this is being implemented to ensure we uphold this standard.

Following this review, if you are still dissatisfied with your Freedom of Information response, you have the right to direct your comments to the [Information Commissioner's Office](#) who will give it due consideration. There is a section titled '[Make a complaint](#)'. I have provided links for ease of reference.

Yours sincerely,



Alice Ripley
Chief of Staff

From: Mark Shelford <Mark.Shelford@avonandsomerset.police.uk>
Sent: 09 October 2022 14:21
To: Sarah Crew <Sarah.Crew@avonandsomerset.police.uk>
Subject: Re: Cotham School

Thank you. I'd like to write an open letter back to MP. It is likely to throw Headmistress under the bus. What are the un intended consequences?

Second, as a result of a conversation at the conference I was asked to re send my paper on a Blue Light Services Staff College. (Originally written when a candidate to address inadequacies of senior Fire Officers) . Would you like a copy?

Fare Thee Well

Mark

Mark Shelford

Police & Crime Commissioner
Avon and Somerset Police and Crime Commissioner,
Valley Road, Portishead, Bristol, BS20 8JJ
01278 646 188
avonandsomerset-pcc.gov.uk