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The Office of Matthew Grove

*Working hard to keep you safe*

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**Contact:** Martin Scoble

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**Our ref:** MS/2015

24 June 2015

Dear

Further to your letter of 8 June 2015, I have, as requested, conducted an internal review into your recent request for information from this office.

You requested details of “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: the name of the individual concerned; the date set for their first appearance in court, and what they were charged with.”

Whilst we try to be as transparent as we possibly can, we also take our obligations under the Data Protection Act seriously and I concur with the original decision that to do anything other than to provide a Section 40(5) neither confirm nor deny response risks the disclosure of personal information.

You state that Forces regularly publicise when an officer is charged with an offence. Employees of the Commissioner are not police officers. You refer to the publication of details relating to a member of staff in the office of the Nottinghamshire PCC whose offence clearly related to her employment. Whilst the publication is commendable I am sure that you will appreciate that each situation needs to be judged on its merits. Your request seeks information relating to “any criminal offence” which may not therefore relate to an individual’s employment. An individual’s criminal history is sensitive personal data and I am therefore satisfied that the exemption is engaged as to confirm whether or not the information is held would contravene one of the data protection principles namely the first one which states that personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless at least one of the conditions in Schedule 2 is met, and in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

Taking all of this into account, I uphold the original decision of a Section 40(5) neither confirm nor deny response.

If you are not content with the outcome of this internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information

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Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Martin Scoble  
Chief Executive

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