

17th January 2018

FOI/OPCC/036 – Andy Coles

Dear Member of the Public

The Office of the Police and Crime Commissioner for Cambridgeshire (OPCC) refer to your email of the 29th November 2017 regarding a Freedom of Information (FOI) request relating to allegations made in the media about the former Cambridgeshire Deputy Police and Crime Commissioner Andy Coles. The OPCC then sought clarification of your request on the 6th December 2017, which you subsequently responded to on the 16th December 2017.

To reiterate, your FOI request is:

‘a copy of all correspondence and meetings of minutes in which the exposure of former Deputy Commissioner Andy Coles as former undercover police officer was discussed and how it would impact on the Office of the PCC’.

The OPCC sought clarification on the meaning of ‘correspondence’. You then clarified this to mean:

‘both letters and emails, naturally excluding any representations made by private citizens’.

The Freedom of Information Act 2000 (the “Act”) creates a statutory right of access to information held by public authorities. The Act requires a public authority in receipt of the request to:

- Confirm whether they hold the requested information and if so,
- Communicate the requested information to the applicant.

The right of access to information is subject to a number of exemptions that enable public authorities to withhold information that is not suitable for release. Therefore, in considering requests for information under the Act, a public authority needs to consider whether there could be potential harm that might result from disclosure of information, and subsequently to determine the likelihood of the harm occurring.

The OPCC has considered the matters you raised in your FOI request in respect of the information that the OPCC hold. In considering that information and determining whether it can be released, the OPCC’s position is as follows:

1. Mr Coles verbally offered his resignation to the Police and Crime Commissioner and there are no minutes of this discussion.

Your FOI request includes issues that any public authority, including the OPCC, would need to be mindful of when considering such a request and determining whether the information can be released. In such circumstances public bodies would need to give consideration to prejudicing, or the likelihood of prejudicing, the conduct of public affairs. In respect of the issues you raise in your FOI request, the Act enables public bodies to consider and determine whether the Section 36 exemption in the Act has been triggered. Section 36 of the Act states that ‘providing information is prejudice to the effective conduct of public affairs, specifically (1)(b) information held by any public authority and (2)(c) would otherwise prejudice or would likely to prejudice the effective conduct of public affairs’.

The OPCC has considered and determined that the subject matter raised in your FOI request has triggered the **Section 36** exemption.

In addition the information you have requested relates to personal data of the individual in respect of employment issues. It is not within the public interest to provide the information you have requested. Therefore the OPCC is applying the **Section 40: Personal Information** exemption of the Act.

The Cambridgeshire Police and Crime Panel is the responsible body for dealing with complaints against a Deputy Police and Crime Commissioner. Contact details for the Police and Crime Panel can be found on the link below: <http://democracy.peterborough.gov.uk/mgCommitteeDetails.aspx?ID=543>

The OPCC trust that the information provided above meets your needs. However, if you are unhappy with this response, please see the attached 'satisfied with our service' document, which sets out your rights to appeal.

Yours sincerely

On behalf of the OPCC

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