

From: casework@ico.org.uk
Subject: Complaint against the NPCC[Ref. FS50728050]
Date: 14 March 2018 at 10:22
To: scarlet@privacyinternational.org



14 March 2018

Case Reference Number FS50728050

Scarlet

I am writing regarding the complaint you submitted on 22 February 2018. It concerns an information request which was made to the National Police Chief's Council (NPCC).

As previously advised, the NPCC is not currently designated as a public authority for the purposes of the Freedom of Information Act 2000 (FOIA). This means that, at present, the Commissioner has no jurisdiction to issue a decision notice under section 50 FOIA in relation to information requests made to the NPCC.

The Association of Police Chief Officers (ACPO), which is the predecessor body of the NPCC, was designated as a public authority for the purposes of FOIA. However, when ACPO was dissolved and the NPCC established, that designation as a public authority did not automatically transfer across to the NPCC.

The NPCC, as the replacement body to ACPO and as the new senior policing coordination body in the UK, fully accepts that it should be open to the same level of scrutiny and transparency as its predecessor. It is anticipated that the necessary Order under section 5 FOIA bringing the NPCC under the auspices of FOIA will be made shortly. Making such an order is currently the responsibility of the Cabinet Office who have delegated responsibility to the Home Office. The NPCC has told us that is supporting the Home Office in bringing forward the Order and the Commissioner hopes that this process will be concluded as quickly as possible.

In the meantime, the NPCC has also assured us that it will comply with the spirit of the FOIA and that, until such time as it is formally designated, it will respond to all information requests it receives as if it were subject to FOIA.

However, until the formal designation takes place and FOIA is amended to specifically include the NPCC, there is no legal basis to pursue a complaint to the ICO under section 50 FOIA. The Commissioner is unable to issue a decision notice under FOIA in respect of an organisation which is not a public authority for the purposes of the Act, although it should be noted that the position may be slightly different in the case of requests which are only for

be slightly different in the case of requests which are only for information which is explicitly environmental in nature.

Whilst we await the Home Office taking the necessary steps, we regret that it is necessary to close the complaint you have made to us about the NPCC's handling of your information request. We are sorry that this will cause some inconvenience.

Regards
Carolyn Howes
Senior Case Officer
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