



My Reference: FOI 27-19

Your Reference:

Email:foi@westyorkshire.pcc.pnn.gov.uk

20<sup>th</sup> December 2019

Dear

I write in connection with your request for information dated 31<sup>st</sup> October 2019 which we have dealt with under the Freedom of Information Act 2000 (FOIA). I wrote to you on 22<sup>nd</sup> November 2019 to inform you that the Office of the Police & Crime Commissioner (OPCC) needed additional time in which to consider the public interest test in relation to your request for information. After reviewing your request, the information held and the circumstances relating to this matter I am now able to provide a full response.

When responding to requests for information, public authorities must firstly confirm or deny if information is held unless an exemption applies to that duty. Your previous requests for information on this subject have attracted such an exemption from this duty and the way in which the OPCC handled your request for information was upheld by the Information Commissioner and the First Tier Information Tribunal.

However, since the provision of those earlier responses, there has been a material change in the circumstances surrounding your request, including the conclusion of the police investigation. This change in circumstance means that the exemption that was previously relied upon is no longer applicable and, therefore, I can confirm that the OPCC does hold information in relation to questions 1, 3, 4 & 5 of your request.

The second duty under the FOIA is to provide access to the requested information unless the information is covered by one of the exemptions contained within the FOIA. The information you have requested is given below.

In the circumstances of your request, we feel that it is in the public interest to provide additional context beyond the specific questions that you have asked so that a clear and transparent picture is provided. With that in mind, I attach the IT Protocol that was in place in the West Yorkshire Police Authority at the time that Mr Taggart was Chair of the Authority (June 1998 - June 2002).

As can be seen from the protocol, all members of the Authority were provided with suitable IT equipment which was installed in their homes and which was retrieved when they ceased to be a member of the Authority. The IT Protocol permitted members to make personal use of the IT equipment for a nominal fee. When Mr Taggart ceased to be a Police Authority member in May 2003, his IT equipment was retrieved. The hard drive from the equipment was removed and stored securely by the Police Authority but, as a consequence of an administrative oversight, was not destroyed.

Tel No: 01924 294000

Email: [contact@westyorkshire.pcc.pnn.gov.uk](mailto:contact@westyorkshire.pcc.pnn.gov.uk)

Fax No: 01924 294008

[www.westyorkshire-pcc.gov.uk](http://www.westyorkshire-pcc.gov.uk)

Members' support services were provided under the direction and control of the Executive Director of the Police Authority. The subsequent Chairs of the Police Authority had no responsibility for overseeing the administration of these services. When the Police Authority was abolished in 2012 all records and data held by the Authority passed to the Office of the Police and Crime Commissioner, under the direction and control of the Chief Executive.

Mr Taggart pleaded guilty to various offences relating to the making and distributing of indecent photographs of children on 5 June 2017. Following publicity concerning his appearance in court, and prior to his sentencing for those offences on 4 July 2017, a member of staff working at the OPCC recalled that there was equipment relating to Neil Taggart still being stored by the OPCC. As a result of this and in view of its potential relevance to the police investigation, a hard drive was passed to the relevant Investigating Officer in West Yorkshire Police on 9 June 2017. Following the discovery of the hard drive a full review of record and data retention in the OPCC was carried out during which the back-up data for the Police Authority's server was also passed to the Police in case that was of assistance.

I hope that the above information assists in placing the information that you have sought in the appropriate context and explaining the circumstances in which the hard drive was passed to the police in 2017. For completeness, in response to the specific questions in your request, I can provide the following information under the Freedom of Information Act:

*Q1 What date did the PCC become aware the office was still in possession of this hard drive?*

**6<sup>th</sup> June 2017**

*Q2 How or who made him aware the hard drive was being stored by the office of the PCC.*

***The OPCC does not hold a record of this however I can confirm that the PCC was informed verbally by the Treasurer of the OPCC.***

*Q3 What date was the hard drive handed in to West Yorkshire Police.*

***The hard-drive was collected on 9<sup>th</sup> June 2017***

*Q4 Who was the hard drive handed in to at West Yorkshire Police. Who took receipt for it?*

***The hard drive was handed to a Detective Sergeant in the investigative team.***

*Q5 Did the office of the PCC make the Senior Investigating Officer on the Taggart investigation aware the hard drive was being handed over?*

**Yes**

If you consider that your request for information has not been handled properly, you can ask for an internal review of our decision. I have attached a copy of our appeals policy which explains how to submit an appeal and who will consider it. You can also complain to the Information Commissioner's Office via their website <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/> or by telephone on 0303 123 1113, although please note they would usually expect you to have gone through our internal review procedure before contacting them.

Yours sincerely

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