

I write further to your request for information under the Freedom of Information Act (FOI Act). You requested:

*1. There has, apparently, been communication with the Office of the Police and Crime Commissioner for West Yorkshire and consultation with the Chair and Deputy Chair by West Yorkshire Out of Court Disposals Scrutiny Panel.*

*2. I do request the recorded information held by the Office of the Police and Crime Commissioner for West Yorkshire and consultation with the Chair and Deputy Chair by West Yorkshire Out of Court Disposals Scrutiny Panel regarding this matter (ie, the case brought to the attention of the PCC on 13<sup>th</sup> July by me) including the consultation with the Chair and Deputy Chair by West Yorkshire Out of Court Disposals Scrutiny Panel.*

*3. I would like all recorded information held by the OPCC in relation to the case I have brought to your attention.*

The Office of the Police and Crime Commissioner (OPCC) is unable to comply with your request. In accordance with the FOI Act this email should be taken to be a refusal notice.

Section 17 of the FOI Act states that:

(1) A public authority which, in relation to a request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to a request or on a claim that information is exempt information must ... give the applicant a notice which:

- (a) States the fact
- (b) Specifies the exemption in question, and
- (c) States why the exemption applies

(4) A public authority is not obliged to make a statement under subsection (1)(c) ... if, to the extent that, the statement would involve disclosure of information which would itself be exempt information.

The OPCC can neither confirm nor deny that it holds the information requested. To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve the disclosure of exempt information, therefore under S17(4) of the FOI Act no explanation can be given.

Section 40 (5) (b) (i) states that the duty to confirm or deny does not arise where the confirmation or denial would contravene any of the Data Protection Principles or Section 10 of the Data Protection Act 1998. To the extent that section 40 (5) (b) (i) (Personal Information) applies, this exemption is absolute and does not require a public interest test.

I am attaching details of the OPCC's policy on FOI appeals should you be dissatisfied with the way in which your request has been dealt.