

FOI – 330

I write in connection with your request for information dated 8th May, concerning PCC staff criminal convictions.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am able to respond as follows:

You wrote:

Please can you tell me 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:

1. The name of the individual concerned.
2. The date set for their first appearance in court.
3. What they were charged with.

Response

The type of information you have requested is sensitive personal information which can only be disclosed to the individual concerned. The right given under the Act to request information held by public authorities does not apply to personal data. Releasing personal details to a person other than the data subject, or releasing details which could lead to the identification of individuals would breach that individual's Data Protection rights.

Disclosure under the Freedom of Information Act 2000 (the Act) is to the world and the type of information you have requested is exempt from disclosure under the Act pursuant to the provisions of Section 40(2). Section 40(2) is an absolute class based exemption as disclosure would breach the data protection principles, and so I am not required to consider the harm or public interest when applying this exemption.

Additionally, the Office of the Police and Crime Commissioner for Wiltshire can neither confirm nor deny that it holds any of the information you have requested. To either confirm or deny that the information is held would in itself disclose personal information about a named individual, and therefore the Office of the Police and Crime Commissioner is not obliged to fulfill its duty under Section 1(a) of the Act pursuant to Section 40(5)(b)(i) of the Act.

Yours sincerely

A handwritten signature in black ink, appearing to read "L. Nutland". The signature is fluid and cursive, with the first letter of each word being capitalized and larger than the others.

Laura Nutland
FOI & Complaints Officer