

Ref: 2022.21	Request Date: 02.11.2022
--------------	--------------------------

Response to a request under the Freedom of Information Act (FOIA)	
Request	Response
<p>1. Between the 1st of January 2022 and 30th of June 2022</p> <p>Please provide the following information</p>	<p>I can confirm that the Office of the Police and Crime Commissioner (OPCC) does hold the information requested. The request asks for information held by the "force" but this is information that would only be held by the OPCC.</p>
<p>a) How much has been paid by the force to LQCs between the above dates for payment for their role as an LQC at police misconduct hearings please provide a total figure</p>	<p>Professional fees amounted to £4,119.36</p>
<p>b) How many LQCs are at the forces disposable as of the 28th of October 2022.</p>	<p>I can confirm that there are 4 LQCs available as at 28th October 2022.</p>
<p>Please also provide the name.</p>	<p>The information you have requested constitutes personal data of which you are not the subject and the information falls within paragraphs (a) to (d) of the definition of 'data' in Section 1(1) of the Data Protection Act 2018 and disclosure of the information to a member of the public otherwise than under this act would contravene data protection principles.</p> <p>Section 40 is a class based exemption, therefore it is not necessary to evidence harm caused by disclosure.</p> <p>The data protection rights of a third party would be breached by disclosure, therefore section 40(2) is an absolute exemption and a Public Interest Test is not necessary. This is so because personal data is</p>



governed by another law (The Data Protection Act 2018) and there are two elements to this exemption.

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain. Thus, the OPCC must be satisfied that any release of information will be potentially available to the general public. It is therefore on this basis that the following is relevant.

The first element of this exemption is engaged if the information requested constitutes personal data and is made by the data subject. The information will be covered by section 40(1) and the request will be dealt with under section 7 of the Data Protection Act, rights of access.

The second element of this exemption is engaged if the personal data is about someone other than the applicant. Where someone makes an application for information other than the data subject, disclosure of that information will often constitute a breach of the Data Protection Act covered by section 40(2).

Personal data is regulated under the principles of the Data Protection Act and when information contains personal data about a third party it can only be refused if disclosure would breach any of the data protection principles.

As previously highlighted, any disclosure under the FOIA is a public disclosure and release of the identity of an individual would breach principles 1 & 2 of the Data Protection Act 2018.

These principles require personal data to be: 1) processed (defined to include 'obtain') fairly and lawfully and 2) obtained only for specified and lawful purposes and not processed incompatibly with the specified purposes.

'Data subjects' are provided with certain legal enforceable rights under the Data Protection Act 2018. The fact that the information is held for lawful policing purposes, disclosing it onwards would breach the



	principles, and would be incompatible with the data subject's right that their data is held securely. By disclosing this information, the OPCC could be subject to enforcement proceedings under the act if it breaches any of those principles.
c) what has been the largest payment made to an LQC during the above period	£4,119.36
a) How much has been paid by the force to Independent Panel Members between the above dates for payment for their role as Independent Panel Members at police misconduct hearings	£0.00
b) How many Independent Panel Members are at the forces disposable as of the 28th of October 2022	10
c) what has been the largest payment made to an Independent Panel Member during the above period	£0.00
This information has been provided in response to a request under the Freedom of Information Act 2000 and is correct as at 24 November 2022	