



**First-tier Tribunal  
(General Regulatory Chamber)  
Information Rights**

**Appeal Reference: EA/2016/0162**

**INDEPENDENT POLICE COMPLAINTS COMMISSION**

Appellant

**and**

**INFORMATION COMMISSIONER**

Respondent

**DECISION BY CONSENT ORDER**

1. By consent:
  - a. This appeal is allowed in part.
  - b. The decision notice FS50613242 is substituted in the terms set out in Annex A.
  - c. The information to be disclosed, as set out in Annex A, is to be disclosed to the requester within 35 days of the date this decision is sent to the parties.
  - d. There is no order as to costs.

Signed: Robin Callender Smith

Judge of the First-tier Tribunal

Date: 1 December 2016



## **Annex A**

In decision notice FS50613242 (the **DN**) the Commissioner considered a request which had been made to the Independent Police Complaints Commission (the **IPCC**) for a particular report.

In her DN, the Commissioner found that the IPCC had applied section 40(2) FOIA correctly to the majority of the report requested. However, the Commissioner found that by redacting names, some of the content of the report would be rendered anonymous such that section 40(2) FOIA was not engaged in respect of that information. Accordingly, the Commissioner ordered the IPCC to disclose that information with the names of individuals redacted, specifically:

- (i) The Contents list;
- (ii) Paragraphs 1-24;
- (iii) Paragraphs 56-86;
- (iv) Paragraphs 201-207;
- (v) Paragraphs 470-487; and
- (vi) Paragraph 520.

The IPCC appealed. The IPCC indicated that it was of the view that the information ordered by the Commissioner to be disclosed would still enable some individuals to be identified, even if individuals' names were redacted.

On 24 October 2016 the IPCC emailed the Commissioner an amended report explaining that it would be prepared to provide the information set out at (i)-(vi) above if certain further redactions, as set out in that amended report, were made to render the information anonymous. These further redactions include, but are not limited to, references to precise dates and job titles.



Having considered the additional redactions which the IPCC contended would be required, the Commissioner confirmed in her email of 15 November 2016 that some (but not all) of the additional redactions were needed to ensure the information was anonymous, and so did not oppose to the appeal to that extent. The IPCC subsequently confirmed that it would be prepared to disclose the information on that basis.

The requester has been contacted to explain, in summary, the interactions between the parties, and that it would be likely that the proceedings would be disposed of by way of consent order. The requester has advised that he has no objection to this approach.