

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 January 2024

Public Authority: Chief Constable of Derbyshire Constabulary
Address: Police Headquarters
Butterley Hall
Ripley
Derbyshire
DE5 3RS

Decision (including any steps ordered)

1. The complainant has requested information regarding two misconduct hearings. Derbyshire Constabulary relied on section 40(2) of FOIA (third party personal information) to withhold the information.
2. The Commissioner's decision is that Derbyshire Constabulary has correctly relied on section 40(2) of FOIA to withhold the information.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 13 August 2023, the complainant wrote to Derbyshire Constabulary and requested information in the following terms:

"Please send me copies of the outcome notices of misconduct proceedings for officers [name redacted] and [name redacted], who are both on the College of Policing's Barred List:

I would like the documents in Portable Document Format (.PDF)..."
5. Derbyshire Constabulary responded on 21 August 2023. It stated that the requested information was exempt from disclosure under section 40(2).

6. Following an internal review, Derbyshire Constabulary wrote to the complainant on 4 September 2023. It stated that it was upholding its original decision.

Scope of the case

7. The complainant contacted the Commissioner on 29 September 2023 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to establish whether Derbyshire Constabulary is entitled to withhold the requested information under section 40(2) of the FOIA

Reasons for decision

Section 40 - personal information

9. The Commissioner has previously considered a separate request from the same complainant for similar information, involving similar circumstances but for a different police force.
10. Rather than reproduce the rationale applied in that case, the Commissioner is relying on the same considerations for this complaint.
11. The related case is IC-264178-D7D2, which may be found on the Commissioner's website¹.
12. It follows that Derbyshire Constabulary was entitled to rely on section 40(2) to withhold the requested information.

Right of appeal

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:
-

¹ [ic-264178-d7d2.pdf \(ico.org.uk\)](https://ico.org.uk/subject-access/ic-264178-d7d2.pdf)

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Michael Lea
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF