

22nd June 2015

I write following your FOI request in which you request;

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.*

This request has been handled under the Freedom of Information Act 2000 (the FOI Act).

Regarding your request I can now inform you that I have completed my enquiries and that my reply on behalf of the Office of the Police and Crime Commissioner (OPCC) for Cleveland is as follows.

In principle, your request is for personal data in respect of both the Police & Crime Commissioner and his employees. Therefore, as a matter of general legal principle, it would be appropriate to apply the exemptions set out in s40 of the FOI Act and furthermore, to decline to confirm or deny whether any such information is held.

However, as far as the Police & Crime Commissioner is concerned, as a holder of elected public office directly accountable to the public, he would not wish to apply the exemption in respect of himself. Therefore, in line with the Commissioner's instructions, I can confirm that the Office of the Police and Crime Commissioner for Cleveland does not hold the information you seek – in other words, the Commissioner has not been charged with any criminal offence. .

In respect of the employees of the Police & Crime Commissioner, the OPCC neither confirms nor denies that it holds information detailed in your request. The law says that the duty to confirm whether a public body holds information does not apply in situations where to do so would breach data protection law. In legal terms, the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of Section 40 (5) of that Act. This should not be taken as an indication as to whether the information you requested is or is not held by the OPCC.

I can confirm that the Office of the Police and Crime Commissioner for Cleveland has a FOI complaints procedure.

If you are unhappy with the way your request for information has been handled, you can request a review by writing to:

Mr Simon Dennis
Solicitor
Office of the Police and Crime Commissioner for Cleveland
Police Headquarters
Ladgate Lane
Middlesbrough
TS8 9EH

or you can follow the complaints procedure found on our website at:

www.cleveland.pcc.police.uk

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Telephone: 08456 30 60 60 or 01625 54 57 45 Website: www.ico.gov.uk

There is no charge for making an appeal.