



FREEDOM OF INFORMATION REQUEST	
Reference Number:	COM-1083
Date of disclosure:	31 March 2016
Request summary:	Correspondence relating to complaints handled by the Compliance Officer
Exemptions used:	Section 31, Section 40

ORIGINAL REQUEST

Could you please provide copies of all correspondence relating to complaints C1415-025, C1415-030 and C1415-037 handled by the compliance officer for IPSA, according to the details supplied in response to my FOI, your ref COM-1040?

ORIGINAL RESPONSE

The Compliance Officer for IPSA holds the information that you request.

In response to a previous request made under the FOIA, reference COM-1040, we provided details of all complaints handled by the Compliance Officer for IPSA each financial year since 2014-15. A copy of this response can be found on our website at the following address: <http://www.parliamentarycompliance.org.uk/transparency/FOI/COM-1040%20-%20Details%20of%20all%20complaints%20handled%20by%20the%20Compliance%20Officer%20for%20IPSA.pdf>.

Following this, we committed to publishing on a regular basis details of all complaints handled by the Compliance Officer each quarter. This information can be found on our website at the following address, and will next be updated on 4 April 2016: <http://www.parliamentarycompliance.org.uk/transparency/Pages/Complaints-handled.aspx>.

Correspondence relating to complaints C1415-025 and C1415-037

As noted in response to the previous request, reference COM-1040, complaint references C1415-025 and C1415-037 contained allegations of a criminal nature. As such, the Compliance Officer's assessments were suspended and the complaints were referred to the Metropolitan Police Service.

Following a referral to the Metropolitan Police, an assessment of the information is conducted with a view to deciding whether or not to open a criminal investigation. As such, disclosure of the information that you have requested relating to this case (much of which has been provided to the police, would be likely to undermine the ability of the police to undertake their enquiries.

Section 31(1) of the FOIA states that information is exempt from disclosure if disclosure would or would be likely to prejudice:

- (a) the prevention or detection of crime, or
- (b) the apprehension or prosecution of offenders.

Needless to say, there is a very strong public interest in protecting the ability of public authorities to enforce the law, and especially in protecting the ability of the police to undertake the enquiries. Although we recognise the legitimate public interest in disclosing information about how we exercise our functions, permitting the public to hold us to account, we do not believe that at this

time (especially while the issue remains 'live') the public interest outweighs the prejudicial harm to the police's enquiries that would result from disclosure.

Correspondence relating to complaint C1415-030

As above, complaint reference C1415-030 contained allegations of a criminal nature. As such, the Compliance Officer's assessment was suspended and the complaint was referred to the Metropolitan Police Service.

As has already been publicly reported by the Metropolitan Police, in this instance a 33-year old woman, an employee of an MP, was given a caution for fraud by false representation.

Information as to the commission by a person of a criminal offence is the sensitive personal data of that person. As such, it attracts enhanced protection under the Data Protection Act 1998 (DPA). It is therefore more likely that the disclosure of that information (pursuant to a FOIA request) would result in a breach of one or more of the data protection principles, such that the exemption contained in section 40(2) FOIA can be relied upon to resist such disclosure. As data controller, IPSA must have regard to its obligations under DPA when deciding whether, and if so how, personal data should be processed.

As such, and in accordance with section 40(2) of the FOIA, we are withholding the correspondence relating to this complaint, as we believe that disclosure of this information is likely to lead to the identification of individuals, resulting in an unauthorised disclosure of sensitive personal data. In determining whether information that relates to an individual is their personal data, guidance from the Information Commissioner states that it should be reasonably likely that the individual could be identified from that data. We consider that test to be satisfied in relation to this information. Given the sensitivity of the information, we do not consider that it would be fair for the information to be disclosed to the requestor such that to do so would leave IPSA in breach of the first data protection principle. As such, we are withholding this information under the exemption contained in Section 40(2) FOIA.