



**Derbyshire
Police and Crime
Commissioner**

Protecting Communities,
Fighting Crime

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24 October 2018

E-mail to: _____

Dear xxxxxxxx

FOI Request: FOI 30/2018

I write in connection with your request for information received by the Police and Crime Commissioner for Derbyshire on 5 October 2018. Your original request is detailed below:

1 *Do you have any guidance or policy for the public or service users to record calls when they speak to your staff*

or call centres Do you Inform Users they can record. If the answer is no what is the reason for this please.

2 *if You have a Unacceptable Behaviour Policy and Procedure can you tell me if one of these are to object to telephone calls being recorded by the caller due to it being not necessary or unwanted or indeed the staff member feels threatened can you explain why you would have such Unacceptable Behaviour Policy and Procedure that goes against current uk law.*

3 *Are your staff the majority of them who answer public calls or when meeting a member of public are staff aware of the policies and the laws ref telephone recordings using the relevant laws laid down by legislation. if the answer is no why not.*

4 *If you have no policy advice or framework for the above will you develop a policy etc.*

Will you encourage the public to record a 2 way conversation if the answer is no why not.

5 *What are your organizations views on charging the public in foi requests and data protection and subject access requests should their information request be free.*

What happens in a situation a benefit claimant or non waged person needs information what do you do to help them or someone who has no spare income.

Is it fair if the public record you then they should charge you for a copy of the recording or video the same fee you charge them.

Any tips and comments will help the public understand the uks public servants and business policies ref this subject.

6 *What do you do and what is your policy when a serious complaint against a staff member is made when a person complains about wrong doing and has evidence of foul play in your organization will you accept covertly or permission based Audio or video evidence in the case.*

Do you Fully investigate under public interest laws and take note of any criminal charges.

If the answer is no why not.

Any requests submitted under the Freedom of Information Act should be dealt with on an applicant blind basis. The Information Commissioner's Officer guidance on the Consideration of the Identity or Motives of the Applicant confirms that an applicant's identity and motives may be relevant when considering the context in which request(s) are made, the burden it may impose, and the value of the request, see below link:

<https://ico.org.uk/media/for-organisations/documents/1043418/consideration-of-the-identity-or-motives-of-the-applicant.pdf>

The guidance also quotes the following extract from an Upper Tribunal case of relevance (ICO – v- Devon County Council and Dransfield):

'... The motive of the requester may well be a relevant and indeed significant factor in assessing whether the request itself is vexatious, the propose application of Section 14 cannot side-step the question of the underlying rationale or justification for the request...' (Paragraph 34).

I understand that various forces have received virtually identical requests from persons using differing names (possibly pseudonyms) and I am therefore of the view that they are acting in concert.

Section 8(1)(b) indicates that the real name of an applicant should be used when requesting information and not any other name, for example, a pseudonym. The ICO guidance is quite clear and states it is the intention of the legislation that an applicant should provide their real name so that the request can be processed in accordance with the requirements of the FOIA, see below link:

http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/guide_to_freedom_of_information.pdf

Taking the above into account and before I carry out any further work on your request I require proof of identification from you. Proof in this case under the Data Protection Act 2018 necessitates provision of two photocopy documents that between them show name, address, date of birth and a signature. It is your choice on what documents you choose to supply.



I have put your request on hold pending receipt of the above where it will remain for the next 20 working days, 21 November 2018. If by this date we have not received further communication from you on this request, I shall assume that you no longer require the information and will close the request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Peet', followed by a long, sweeping horizontal line that extends to the right.

David Peet
Chief Executive



