

DATE 14/04/2022

Dear

**FOI 09/2022**

I write in connection with your request for information processed under the Freedom of Information Act 2000 and received in the Office of the Police and Crime Commissioner for Derbyshire on 17/03/2022 when you asked the following question(s):

***To whom it may concern I would like to make a Freedom of Information Request for the following presentations made by Hardyal Dhindsa, Police and Crime Commissioner for Derbyshire 2016-2021 to:***

- 1. Whaley Bridge Town Council on 21<sup>st</sup> July 2016***
- 2. Swadlincote 50+ Forum on 29<sup>th</sup> November 2016***
- 3. Duffield Parish Council on 10<sup>th</sup> January 2018***
- 4. Pinxton Parish Council Meeting on 20<sup>th</sup> June 2018.***

***These were all PowerPoint presentations made to said meetings and any public who wanted to attend.***

In answer to your request, we confirm that we do hold the information you have requested, and we have attached the documents for you to view.

Please note the following important information –

*The information that has been released to you are documents which were created under the previous Commissioners term of office. The content of the documents therefore does not reflect the current Commissioners views or her Police and Crime Plan.*

## **Exemptions**

*The OPCC has assessed the information requested and has determined that Section 40 (2) of the Freedom of Information Act (FOIA) 2000 (Personal data of a third party) applies to some of the information you have requested. Personal information for instance, would refer to anything which could identify an individual – (in this case, photographs of members of the public and third parties).*

*As there were photographs of individuals in the presentations who have not given their consent for their image to be processed by the OPCC wider than the original processing purpose, the OPCC has determined that this information should be exempt from disclosure by virtue of Section 40 (2) FOIA 2000, as disclosing this information to you would contravene the first principle (Lawfulness and Fairness) as set out in the Data Protection Act. To apply the exemption appropriately, the conditions set out in Section 40 (3) of the FOIA should be satisfied. Section 40 (3) states that where disclosure of the information would contravene any one of the eight principles in the DPA then this data is exempt.*

*The OPCC does not believe that the release of the photographs would be fair or lawful under the terms of the FOIA, as the data subjects will have no expectation that their personal information is likely to be released for this purpose and, as such, disclosure of this information would be in breach of their rights under Data Protection. This letter serves to act as a refusal notice for this information in accordance with Section 17 (1) of the FOIA, therefore the photographs that contain personal data have been removed from the presentations.*

## **Re-use of Information Disclosed**

*The Freedom of Information Act 2000 provides a public right of access to information held by public bodies. However, as the previous incumbent of the office of Police and Crime Commissioner, I feel it may assist if I remind you that the copyright and intellectual property contained within the disclosed material belongs to the Office of the Police and Crime Commissioner. Consequently, notwithstanding the disclosure under the Freedom of Information Act 2000 you are still obliged, by law, to respect the rights of the copyright owner.*

### **Text**

*The above noted, the Commissioner is prepared to grant you a right to re-use any text content in the material under the open Government Licence (OGL) v.3.0*

*<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>.*

*If you re-use any text content under the OGL, you must include the following attribution:*

***Derbyshire Police and Crime Commissioner, text content from [name and date of publication], licensed under the Open Government Licence.***

### **Images**

*Kindly note that any images in the disclosed material are not available for re-use under the OGL and due to the possibility of third - party privacy concerns the Commissioner does not grant any rights to reuse images.*

## **Crest**

*Similarly, the use of the Commissioner's crest, including for the avoidance of doubt, an earlier crest of the Commissioner on any document or in association with any information, could prove misleading to the public and signify that the document or information has been prepared or approved by the current Derbyshire Police & Crime Commissioner. As such, the Commissioner has asked that crests are used only on materials generated by the Commissioner's office or where the Commissioner's office has worked in association with an organisation. Consequently, you are asked to note that the use of any of the crests of the Derbyshire Police and Crime Commissioner without the Commissioner's consent infringes the copyright held in respect of the crests. No permission will be granted for the use of the crests nor will reproduction of the crests in any form be allowed unless the Commissioner determines that the material on which the crests is to be used and the use of the crests on such material have been expressly approved by her office.*

If you are not satisfied with our response to your request, under Section 17 of the FOIA of the FOIA you are entitled to ask for an internal review of our decision. Any internal review needs to be submitted within two months of the date of receipt of this response and state why you are unhappy with the response. You can submit an internal review in the following ways:

- \* emailing the OPCC Inbox –  
PCCOffice@Derbyshire.PNN.Police.UK or;
  
- \* writing to the OPCC at –  
The Office of the Police and Crime Commissioner for Derbyshire  
Butterley Hall  
Ripley  
Derbyshire  
DE5 3RS  
By phone – 0300 122 6000 (as a reasonable adjustment under the  
Equality Act 2010).

If you are not satisfied with the outcome of the internal review under Section 50 of the FOIA you can apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the internal review procedure provided by the OPCC. You can contact the ICO in the following ways:

- \* online at the ICO – <https://ico.org.uk/global/contact-us/> or;

\* writing to the ICO at –  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marie Romano'. The signature is fluid and cursive, with the first name 'Marie' written in a larger, more prominent script than the last name 'Romano'.

**Marie Romano**  
**Interim Strategic Lead for Governance and Compliance**  
**On behalf of the Police and Crime Commissioner**

