**FOI Ref: OPCC 39-2022**

**Request: Dated 2nd November 2022**

**Response:**

I can confirm that the Office of the Police and Crime Commissioner (OPCC) does hold some of the information requested, as outlined below:

Question:

Between the 1st of January 2022 and  30th of June 2022  
  
a) How much has been paid by the force to LQCs between the above dates for payment for their role as an LQC at police misconduct hearings please  provide a total figure   
  
b) How many LQCs are at the forces disposable as of the 28th of October 2022.

1) Please also provide the name.

c) What has been the largest payment made to an LQC during the above period

d) How much has been paid by the force to Independent Panel Members  between the above dates for payment for their role as Independent Panel Members at police misconduct hearings  
  
e) How many Independent Panel Members are at the forces disposable as of the 28th of October 2022  
  
f) What has been the largest payment made to an  Independent Panel Member during the above period

Answer:

1. £3965.83
2. 4 LQC’s are at the Forces disposable as of the 28th of October 2022.
3. The information you have requested constitutes personal data of which you are not the subject, and the information falls within paragraphs (a) to (d) of the definition of ‘data’ in Section 1(1) of the Data Protection Act 2018 and disclosure of the information to a member of the public otherwise than under this act would contravene data protection principles.

Section 40 is a class-based exemption; therefore, it is not necessary to evidence harm caused by disclosure.

The data protection rights of a third party would be breached by disclosure; therefore section 40(2) is an absolute exemption, and a Public Interest Test is not necessary. This is so because personal data is governed by another law (The Data Protection Act 2018) and there are two elements to this exemption.

All requests made under FOIA are applicant blind. A request must be treated as such, and a public authority will always view any disclosure as into the public domain. Thus, the OPCC must be satisfied that any release of information will be potentially available to the general public. It is therefore on this basis that the following is relevant.

The first element of this exemption is engaged if the information requested constitutes personal data and is made by the data subject. The information will be covered by section 40(1) and the request will be dealt with under section 7 of the Data Protection Act, rights of access.

The second element of this exemption is engaged if the personal data is about someone other than the applicant. Where someone makes an application for information other than the data subject, disclosure of that information will often constitute a breach of the Data Protection Act covered by section 40(2).

Personal data is regulated under the principles of the Data Protection Act and when information contains personal data about a third party it can only be refused if disclosure would breach any of the data protection principles.

As previously highlighted, any disclosure under the FOIA is a public disclosure and release of the identity of an individual would breach principles 1 & 2 of the Data Protection Act 2018.

These principles require personal data to be: 1) processed (defined to include ‘obtain’) fairly and lawfully and 2) obtained only for specified and lawful purposes and not processed incompatibly with the specified purposes.

‘Data subjects’ are provided with certain legally enforceable rights under the Data Protection Act 2018. The fact that the information is held for lawful policing purposes, disclosing it onwards would breach the principles, and would be incompatible with the data subject’s right that their data is held securely. By disclosing this information, the OPCC could be subject to enforcement proceedings under the act if it breaches any of those principles.

1. £3965.83
2. £813.75
3. 10 at our disposal
4. £813.75