



9 October 2024

FOI Ref 17255

Request - You asked us the following:

4. Why has staffing for RTC &/or crime disclosures not occurred? If it did, when?

Regarding RTC & crime reports, it appears SP has missed out of the fees, likely in excess exceeding £100,000 i.e. more than sufficient to obtain/train staff and profit!

5. When was this first put in place, on what date 1st sent?

I also attach a copy of what appears to be a further automated response at:

Appendix B.

Autoresponder – Review Complete

The inability to aid victims, their insurers or representatives, has not been addressed in over 12 months! Furthermore, despite your approaches to SP staff and investigations there is still no indication when the matter will be resolved.

This is clearly an unacceptable position for SP to be in; you are not providing information required by others to addresses disputes &/or claims. People need these reports to address issues/events that, obviously, have given rise to police involvement; generally distressing matters causing inconvenience and financial hardship. They may also require rehabilitation, all of which can be delayed because those affected are now victims of SP delaying disclosure.

I note the SIRO (Senior Information Risk Owner) for SP, Deputy Chief Constable Jon Roy is aware of the situation and recruitment to ensure this function can be fulfilled is well underway but not finalised at this time. In turn, that until the recruitment is completed this provision will not be available. This has been going on over a year.

SP has not explained why an issue acted upon 07/2023 (presumably had become so bad by this time), that arose due to staffing issues, is a year later, only 'underway'.

About SP's auto-responder – below:

6.What was the outcome of the review; when did this occur (date) and what were the findings?

7.How many positions are to be filled and when is it anticipated this will occur?

This is an important date; the flow of information should recommence and disclosure reviewed. I am not unappreciative of your response, but surely, by now, an estimation for staff fulfilment can be provided.

It appears SP's disclosure unit are content with their 'understaffed cannot address' response to the public AND to justify complaints about the 'service'. In turn, there is a lack of incentive to make improvements, and little has been achieved since 07/2023.

8.Have I misunderstood – what improvements have there been to disclosures since 07/2023

- NPCC/ABI 'agreement'

I note you had a very frank conversation with [REDACTED] regarding the adherence to the NPCC/ABI agreement and this being prejudicial. That, as Staffordshire Police are working to a policy agreement from the National Police Chief's Council, you would not normally deem

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that this would be service level unacceptable, however as SP are not providing this service either due to 'resilience' issues you also deem this as 'Service level unacceptable'.



The further explanation appears to result from SP believing the NPCC/ABI MoU is an 'agreement' and/or 'police agreement'. It appears this document is considered as though cast in stone. It is not:

The NPCC ABI guidance is merely a formalisation of the process, supported by the relevant aspects of the data protection act, which includes assurances concerning how ABI members maintain security and meet the standards expected of membership.

Any company that is not associated with ABI, i.e. not a member, will not come under their structure. To clarify non-ABI members do not have to operate under the ABI scheme.

However this does not prevent non-ABI members from data sharing. When requesting information from police forces, the company simply needs to describe the reasons and purposes for the request for information, including any legal proceedings considerations if appropriate. Any receiving police force can then assess and decide on whether or not to release the information – in every case it is a local risk decision by the receiving force to consider a voluntary disclosure, there no statutory requirements to disclose.

There is no agreement. The MoU is guidance, you do not have to comply with, you can disclose information.

9. Why do SP not?

I note [REDACTED] (SP) has assured you that once the staffing/resilience is in place to resume the information sharing data requests then the position over the NPCC/ABI agreement will also be reviewed to include non-ABI members. But you cannot give a timescale for this.

10. Why do SP believe the MoU process requires review; what do SP consider is wrong insofar as non-ABI members are concerned?

11. Why wait until staffing is attended to before undertaking the review?

The time to review your approach is now, at a time when limited resources are struggling and failing victims.

As I have mentioned about theft reports, yours is the only constabulary we encounter this problem with. The issue arose with another, but a process was put in place that simplified the release and has done so without problem since the last (mid-2022) MoU variant – changes I believe made the process more complex, convoluted and appeared to give no thought to who we should all be trying to assist – victims.

- Failing More Victims

Indeed, it should be noted, about vehicle thefts:

- they are increasing

- vehicle values are higher

1 National Freedom of Information Referral Officer E. [REDACTED]

- less are recovered

- more recoveries are of shell and little else i.e. total losses, requiring payment in full

- some recoveries are wrongly recorded as such – due to the 'weeding' process



Victim's losses are more frequent and more costly. As the police are not preventing thefts or locating stolen vehicles (and those found are not always intact) and some may say thereby failing victims, there will be more sufferers seeking full payment. More approaches to the police for information!

Constabularies do not put a victim back into the position they were pre-theft ... so why obstruct those who do? Why make someone who suffers a vehicle theft victim of crooks and cops?

The ICO is aware SP are not attending to FoIA request in a timely manner, have not been for months. The FoIA 2000 requires a response in 20 working days. SP are repeatedly breaking the law.

It does not appear my complaint about the non-disclosure has achieved anything. I note you can offer no assurance:

I am sorry I cannot offer you anything further regarding the service provision which is the crux of the problem but I have raised this again at the correct level to highlight the problems experienced.

12. Please advise with whom this has been raised and provide the exchanges

I am also concerned the non-disclosure is selective:

Prejudice

The issue about prejudice appears to be accepted AND acceptable to SP. I wrote in some detail about my concerns. The issue appears to be serious – SP intentionally treating parties differently. SP is knowingly providing a biased service, expressively conducting themselves in an inappropriate manner. To acknowledge a problem, that you are acting prejudicially, but to continue to act in such a manner is to do so intentionally.

13. How is this being addressed; what action has been taken, what review?

This appears to be a serious issue. SP will disclose a report if the victim insures with an ABI member, but not if they insure with a non-ABI member. This excludes a substantial number of insurers, in turn a substantial number of victims.

There are many reasons someone may not elect to insure with an ABI member. Price is the obvious but on occasions, non-ABI members provide specialist, non-standard cover to those who are unable to insure elsewhere. This could be for many reasons, such as their occupation, licence points, type of vehicle or that they have criminal convictions. But you will only release/help where a victim insured with an ABI member!

14. How is this conduct right, acceptable?

The issue appears to have been ignored by your disclosure unit and the SIRO (Senior Information Risk Owner) for SP, Deputy Chief Constable Jon Roy.

15. Please provide me the exchanges about, and consideration of, the subject.

16. Why?

██████ title is PSD 'Complaint and Misconduct Manager'; I am the victim of manager's misconduct!

I note ██████ fully accepts he was wrong in his direction, that this was a mistake through lack of knowledge. What enquiry did he make when I challenged his stance, what advice did he seek? Why did he make statements about a subject he was ignorant of?

I do not accept the position the conduct was 'certainly not an attempt to frustrate you (me) in any way'.

17. I ask this be reviewed in relation to the events

██████ may have been ignorant of the appropriate action; in which case, why take an uninformed stance? But more pertinently, why keep silent and obstruct by withholding an explanation – unless there



was no reasonable reply, unless he knew his position was groundless, wrong? Why waste my time still further?

██████ conduct has cast doubt upon the responses you have received, the outcomes.

I immediately took issue with being directed to the ICO. I returned to ██████ again and again asking him to explain why this was considered appropriate. I was ignored. Unable to illicit a response for the conduct, seemingly (as it transpires) because he knew his demand was inappropriate by – I did as compelled; I went to the ICO wasting their time and more of mine.

Unsurprisingly the ICO did not understand ██████ requirement and (ironically) suggested I obtain an explanation! I returned to ██████ who continued to remain silent on the subject.

Now, because of your involvement, I learn the explanation was 'he had a lack of understanding'. This does not address an aspect of my complaint:

18. Why did ██████ not explain in response to any of my requests for clarification, understanding, when I asked (unless he knew he was in the wrong)?

My focus upon this action may appear undue but I believe it goes to the heart of the issues; I was intentionally, repeatedly, ignored by a manager, forced to progress a course of action by someone who would not and could not address my simple request because they did not know what they were doing!

There was not 'an' attempt to frustrate me; there were multiple such occurrences.

There was not an 'attempt' to frustrate me; this was a completed act, completed on multiple occasions.

I suspect ██████ was aware of the issues associated with SP's disclosure failings; the matter appears to have attracted several complaints. Given that SP likely have a substantial backlog of report requests, complaints appear inevitable.

19. How many complaints about crime report (the MoU) disclosure have been received by SP since 01/01/2023 and of these, how many has ██████ been associated with?

Effectively, ██████ 'took the 5th'; refused to answer a self-incriminating question, a simple request for him to explain why I should be troubled to trouble the ICO. I was referred to Statutory Guidance to convince me his stance was correct and referred to the IOPC. I suspect many would have acted as though such a response was correct, appropriate and given up at this first hurdle. I question how many others have been misled in this manner.

I replied:

Please explain the basis of this conclusion; how have you concluded the matter would be better handled by another, namely the ICO.

I repeatedly asked because my request was repeatedly ignored. I received a further response from ██████ Following receipt of your below e-mail, further advice has been sought from ██████ who reaffirms his decision to take no further action in relation to your complaint, again citing the ICO as the correct body to progress the issues you raise.

██████ involvement is not mentioned in the findings. I assume ██████ received formal assurance the advice was correct. Did ██████ make enquiries or unwittingly misled?

20. Please provide the exchanges between ██████ and ██████.

I emailed ██████

I am asking you to explain the basis of your decision; how have you concluded the matter would be better handled by another, namely the ICO?



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Please do so to ensure I am able to give this pertinent consideration and make informed comment. I do not believe the ICO is relevant and am concerned my straightforward request is being ignored. I was sent the advice at Appendix B – my request was again ignored. I returned to [REDACTED] and [REDACTED] again asking for an explanation; why was the ICO the appropriate party to direct my complaint to? Again, no explanation. Instead [REDACTED] terse reply was: 'No further response will be made by PSD in relation to complaint reference [REDACTED], unless directed by the Independent Review Manager following a review'.

I was to be provided no explanation. [REDACTED] and [REDACTED] appear to have acted in concert; I was not to receive an explanation of the conduct. I now had to progress to the PCC. The anonymous 'admin team' at SP PSD added their twopenny worth; my complaint was finalised. I was not provided an explanation

21. Who wrote under this anonymity; who else sought to avoid addressing my request for explanation about which there was none other than 'there is no explanation'?

To this day, I do not understand why an explanation for directing me to the obviously incorrect, ICO was not forthcoming. I appreciate [REDACTED] lacked knowledge, but why the ICO given the facts, why not explain and why maintain this position?

A further possible explanation is that SP are 'gaming' complaint figures that there is a benefit in a quick classification of 'redirected'. Another explanation, mindful of staffing resources/demands, is the quick dismissal means SP employees can move onto the next matter – a false representation is made resulting in SP gain (time and resources) and my loss (of time), that there is an abuse of the position held.

I cannot accept that [REDACTED] conduct falls to a lack of experience ... he could have addressed my question. It appears he did not because he had no answer and rather than admit this, he stood his ground.

22. How was this not intended to frustrate me?

I would appreciate contact details for those who can address the situation. I am aware, from my postings and contacts, I am not the only person raising the issue with your constabulary. I remain of the belief the matter can be addressed and would welcome the opportunity to discuss this with relevant SP personnel.

Set 1 of Questions A & B

Appendix A. 10/07/2023 Automated email response

"Thank you for your email, unfortunately at the present time (effective from 10/07/2023), due to unforeseen staffing issues beyond our control, Staffordshire Police are not in a position to process any new Civil Proceedings or ABI MoU Insurance requests, this includes all requests for RTC or associated crime related information.

This will apply for the foreseeable future; the force is currently undertaking an internal review of our service provision in this regard.

We apologise for the reduced level of service during this time.

Emails sent to the ABI email account will not be responded to unless they relate to an existing research request, where payment has been received prior to 10/7/2023.

Please do not contact the control room, Police Officers or any other department as they will be unable to assist.

If you have any queries regarding this matter, please contact Staffordshire Police Data Protection Officer at the below email address.



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Set 2 of Questions A & B

Please explain the request to 're-submit this request along with any others from September 19th onwards' are you saying:

- a) any requests made up until today (to include those in 03/2023) need to be resubmitted or
 - b) is it that any we submitted after 19/09/2023 must be resubmitted
- i.e. please clarify the relevance of the 19/09 date ...

Set 3 of Questions A & B

A. Please explain what appears to be a negative remark about my conduct.
I do not know to what process you are referring and why you believe I am apparently required to follow a specific methodology. I await explanation.

B. Do you agree my response continues constitutes an FOIA requests, that the numbered requests should be treated as valid request under the Act?

Staffordshire Police's response to your request is as follows:

We received your request on 11/09/2024 and have processed this under the Freedom of Information Act (FOIA).

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

The following exemptions have been applied:

- Section 14(2) is where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that same applicant unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

We are not providing the information you have requested as we have determined that your request is vexatious under Section 14(2) Vexatious Requests.

The Information Commissioner's guidance on the subject makes it clear that Section 14 is applied where a request, or its impact on a public authority, cannot be justified.

The key question to consider is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress based on the impact of the authority, weighed against any evidence about the purpose and value of the request. We are also entitled to consider the context and history of the request where it is relevant.

Staffordshire Police is treating this request as vexatious because to process it will cause an unjustified and disproportionate burden on the force. We have received 4 Freedom of Information requests from the same applicant relating to the process for Road Traffic Collision and Civil related requests. We have then received 2 internal reviews and 4 ICO complaints on the same topic. Together with the bombardment of



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correspondence that other departments within Staffordshire Police are receiving via email. Staffordshire Police have responded to many emails whereby the applicant appears to never be satisfied with any response sent, in fact the responses then cause further complaint, challenge or demands for more information to various departments within the organisation. The applicant then escalates to the Executive Office/OPFCC or ICO causing more work for all involved when whatever the outcome is, they remain dissatisfied. It is now the belief of Staffordshire Police that there is no substance to the requests other than to cause disruption and nuisance. The requests have become rambling/repetitive and unclear, meaning multiple people have to read them to decipher what is actually being requested. This bombardment is causing anxiety and upset to staff who are already under the pressure of not having enough resources to deal with their workload.

For the above reasons, we have therefore concluded that your request is vexatious within the terms of Section 14(2) of the Act and we will not be servicing the request. Moreover, please be advised that any further similar requests will also be treated as vexatious and will not receive a response.

Please be advised that all FOI requests and response letters are published on the Staffordshire Police website although personal details are not included

Next steps

As defined above, multiple internal reviews upon this topic have already been conducted by the Central Disclosure Unit Management Team, including this request.

Therefore, if you are not content, you may apply directly to the Information Commissioner to investigate. The Information Commissioner can be contacted at:

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

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

This will be our final correspondence upon this subject.

Freedom of Information Team/Central Disclosure Unit Management Team
Central Disclosure Unit