



Date: 10/10/2023

Our ref: 01/FOI/23/011360/D

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/23/011360/D

I write in connection with your request for information dated 20/09/2023, received by Greater Manchester Police (GMP) for the following information:

On 28th June 2023 a misconduct hearing took place for an Inspector who it was alleged had made inappropriate and unwelcome contact to younger/junior members of staff/constables. The inspector received a final written warning. The details of the inspector are not published on the GMP website.

This request is for the name of said inspector.

Result of Searches

Following receipt of your request searches were conducted within Greater Manchester Police (GMP) to locate the requested information and I can neither confirm nor deny the information requested is held by GMP.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because this information is exempt) to provide you, the applicant, with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

Section 40 is an absolute exemption with no requirement to complete a public interest test.

This Act provides the public with a general right of access to recorded information held by public authorities. However, information disclosed under this Act is effectively released into the public domain, or to the 'wider world', and not only to the person making the request. In cases where the public request information relating to individuals, it would be extremely rare for a public authority to release such information to the whole world under the terms of the Freedom of Information Act 2000.

Therefore, in accordance with the Act, this letter represents a refusal notice for this particular request. Greater Manchester Police can neither confirm nor deny that it holds the information you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemption:

Section 40(5)(b)(i) - Personal Information – giving information to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

To confirm that any information is held or not, could confirm personal data. In some circumstances confirming or denying whether information is held could itself identify a living individual and would therefore breach the principles of the GDPR and the Data Protection Act 2018.

Personal data is defined by Article 4 of the GDPR and Part 1 of the Data Protection Act 2018 and means any information relating to an identified or identifiable natural person ('data subject'). An identified natural person is one who can be identified directly or indirectly from that data.

This use of neither confirm nor deny should not be taken as proof that such information does or does not exist.