



Lancashire Fire
and Rescue Service

Mr F. M. G [REDACTED]
[REDACTED]

Please ask for: Diane Brooks
Telephone: 01772 866720
Email: dianebrooks@lancsfireandrescue.org.uk
Your Ref: MN
Our Ref: MN
Date: 18 November 2016

Dear Mr G [REDACTED]

Your Letters and application under Section 7, Data Protection Act, 1998.

Thank you for your letters to the Chairman of the Combined Fire Authority dated 5 August and your letter to Chief Fire Officer Kenny dated 18 October, both of which have been passed to me for a response .

I note that your earlier request includes a subject access request which I will return to herein after.

Ordinarily your complaint about the Chairman would be passed to me as the Clerk and Monitoring Officer to the Authority, as it is my duty to fully investigate any such allegations about the elected members of the Authority and in accordance with section 5A(2) of the Local Government and Housing Act to prepare a report, where necessary, for consideration by the Combined Fire Authority who would then take whatever action was proportionate and necessary. This would be in circumstances where it is alleged that any proposal, decision or omission in the course of the discharge of the functions of the Lancashire Combined Fire Authority has given rise to or is likely to give rise to:

- A contravention by the Authority's executive or any person on behalf of the executive of any enactment or rule of law; or
- Any such maladministration or injustice as is mentioned in the Local Government Act ("LGA") 1974.

Headquarters

Lancashire Fire & Rescue Service
Garstang Road, Fulwood
Preston
PR2 3LH



Prince's Trust



However, as your complaint includes serious allegations of malfeasance and serious and potentially defamatory allegations of criminal culpability, I understand that you have been advised, on more than one occasion, to make your report for investigation to the police. Thereafter consideration will be given to progressing your original complaints regarding pension under part II of the Authority's Internal Dispute Resolution Procedure ("IDRP.")

One additional feature which I understand is reasonable to take in to account when processing your complaints is the Authority's decision that your actions, taken together with other associates, including Messrs. Burns Berry and others, as a joint enterprise, has been deemed vexatious. As such the perpetual harassment of the Authority by you and your associates, having been deemed vexatious, would ordinarily be deemed as incapable of referral for investigation by me, in the process outlined above, and so no such referral would be made or report prepared.

However, as a minor element of your complaint continues to relate to an outstanding IRDP issue, for which no decision can be made (or any discretion fettered,) until the allegations have been fully investigated in accordance with how you have already been advised, then I am prepared to review this decision, once you have proceeded to report your complaints and produce the investigation results.

Please be aware that the outstanding IDRP issue is the only element of your repeated complaints which I am prepared not to consider as vexatious in accordance with the Authority's Vexatious and Habitual Complaints Policy which was incorporated in to Standing Orders on 20 June.

With regard to the assertions in your 5 August letter to the Chairman and listed at numbers 1-8 inclusive (your numbering,) you appear to make in correct assumptions about the extent to which your pension complaint was discussed by the full Authority.

I will advise the Authority of their duties as and when they arise. It is not for you to do so, in any forum. You have been advised on a course of action with regard to stage II IRDP and so far have chosen not to pursue it. This is entirely a matter for you.

Your Data Protection Act request.

You should be made aware that given the frequency and volume of your complaints and requests to the Lancashire Fire and Rescue Service this request, and you as an individual, have been deemed to be vexatious and accordingly would confirm that that the Authority does not deem it necessary to respond to you, in any form, regarding this request. Kindly note that future requests, whilst being based on their own merit, may result in the same conclusion being drawn. Notwithstanding this point, I would however respond to your subject access request as follows:

I confirm that I am the data processor pursuant to section 1(1) Data Protection Act for the purposes of your request, to the Authority.

The request for information which you have made is exempt from disclosure to you for the following reasons:

1. It constitutes formal legal advice, which by virtue of it is subject to legal professional privilege and which is exempt from a subject information point of view from being disclosed to you.
2. The report has been compiled and submitted in contemplation of legal proceedings and therefore is again exempt from being disclosed on this basis.
3. The report contains confidential references which is exempt from disclosure from a subject access viewpoint.

Those aspects of the Authority's meeting and minutes which are capable of disclosure are already in the public domain. Please also note that any business conducted under section 12a LGA 1972 was exempt from publication as it constituted information as defined in Paragraphs 1, 2, 3, 5 and 7 of Part 1 of Schedule 12A to that Act.

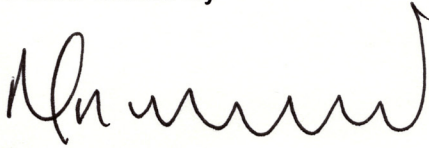
I can however confirm the following, *irrespective* of whether it applied to you or not:

1. The data was processed fairly and lawfully;
2. The data was processed in accordance with Schedule 2 sections 1, 2, 3, 4 and 5 of the Data Protection Act.
3. The data was adequate, factual, relevant and not excessive and in relation to the purpose for which it was processed, at your instigation.
4. The data was kept accurate and up to date.

As I am the data processor for the purposes of the data requested and I would normally consider any review as part of internal processes, you have now exhausted all internal processes and therefore may if you wish take up the matter with the Information Commissioner's Office ("ICO"), although we reserve our position on our decision to treat your requests as vexatious, in accordance with our policy. We also reserve our right to inform the ICO accordingly.

Mr. Warren looks forward to hearing from you when you have chosen to proceed as advised and he remains the single point of contact for those deemed to be vexatious, as previously advised to you and your associates.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Nolan', with a large, sweeping flourish at the end.

Mark Nolan
Clerk & Monitoring Officer
Lancashire Combined Fire Authority