

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION**

CLAIM NO. HQ11XO1471

BETWEEN:

NOELLE KLOSTERKOTTER-DIT-RAWE

Claimant

- and -

THE COMMISSIONER OF POLICE OF THE METROPOLIS

First Defendant

-and-

THE INDEPENDENT POLICE COMPLAINTS COMMISSION

Second Defendant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Third Defendant

EXHIBIT JC/4

See my **COMMENTS** attached to the
29.07.11 IPCC Order 'from' Master Eyre

Application for Dispensation Minute

Case Details:

CTMS Case ID: 2010/002173

Name of Complainant/Interested party: Ms Noelle Klosterkötter-Dit-Rawe

Appropriate Authority: MET SW

Casework Manager: Matthew Johnson

Commissioner: Deborah Glass

Date of Incident: 2002, 2003, 2007

Date of Complaint: NOT TRUE. IT WAS delivered on the 3rd - and was a CONTINUATION of my complaint: para.21 of 30.06.11 MPS Application
Letter dated 2nd December
Letter received by Commissioner 7th December 2009

Date of Application: 22nd January 2010

EVIDENCE
AGAINST:
'21.01.10' letter
posted on
04.02.10

Casework Manager Comments:

Nature of the Complainant's allegations:

Crime reports contain information in contravention of principles of the Data Protection Act.

Grounds on which the application is made:

Out of Time: More than twelve months have elapsed between the incident, or the latest incident giving rise to the complaint, and the making of the complaint and either no good reason for the delay has been shown or that injustice would be likely to be caused by the delay

Vexatious, Oppressive or an Abuse of Procedure: The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaint

Not Reasonably Practicable to Complete the Investigation: It is not reasonably practicable to complete the investigation of the complaint or any other procedures under Section 3 to the 2002 Act.

Casework Manager's concerns regarding the application:

Ms Rawe's representation letter is dated 18th February and before she could have received my seven-day letter dated 22nd February. This may explain why she has not explicitly addressed the issue of why she is making her complaint such a long time after the event. However, I have given her time to respond and notwithstanding her representations, consider this a very strong case for

dispensation.

Recommendations:

Ms Rawe has copied the IPCC into her response to DI Crispin Lee's letter of 21st January 2010 notifying her that the Metropolitan Police Service was seeking to dispense with her complaint.

I have read Ms Rawe's seven page submission but it does not provide good reasons for her delay in making the complaint.

Therefore I recommend that this dispensation should be granted because the incidents occurred three, seven and eight years ago and Ms Rawe has not provided a good reason for this delay and that injustice would likely be caused by the delay.

I am also granting this dispensation application on the basis it would not reasonably be practicable to complete the investigation due to the substantial amount of time that has passed since the events happened.

Furthermore Ms Rawe's complaint is about personal data held on three crime reports. She opines that this data is inaccurate, unlawful, unfair, in breach of the principles of data protection and in contravention of her human rights. Ms Rawe wishes these reports to be amended. Modification of crime report entries is not the purpose of the complaints system and such an objective might best be realised by application to the information commissioner. Therefore I consider this complaint to represent an abuse of procedure and recommend that a dispensation is also granted on this ground.

Sign Matthew Johnson

Date: 2nd March 2010

Commissioner Comments:

Comment and action points as necessary

[Comment] NA Not passed to Commissioner.

Sign:

Date: