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23/02/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 015/2022

Thank you for your request for information regarding a Memorandum of Understanding, which has now been considered.

Applicant Question:

I would like to make an FOIA request for the following documents:

1. *Memorandum of Understanding: An agreement between Her Majesty's Prison and Probation Service and the National Police Chiefs' Council regarding corruption in prisons and probation*

This document is referred to on [this page from the College of Policing](#) but the link to the document itself does not work.

2. Any and all predecessors to the MoU at 1., if in force since January 2018

NPCC Response:

The NPCC does hold some information captured by your request. A copy of '*Memorandum of Understanding: An agreement between Her Majesty's Prison and Probation Service and the National Police Chiefs' Council regarding corruption in prisons and probation*' dated 15th April 2019 has been subject to some Section 31(1) Law Enforcement redactions. I have attached it to this response.

The relevant information has been redacted as its release could potentially allow people intent on criminal activity to disrupt and/or circumnavigate operational systems. For more information on the legislation and risk of harm, please see Annex A below.

No information is held in relation to previous MoUs.

Yours sincerely

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COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Annex A

Legislation – Section 16

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

Legislation - Section 31 Law Enforcement

- (1) Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice –
 - (a) The prevention or detection of crime
 - (b) The apprehension or prosecution of offenders

Her Majesty's Prison and Probation Service (HMPPS) carry out sentences given by the courts, in custody and the community, and rehabilitate people in their care through education and employment.

Factors favouring non-disclosure for S31

Disclosure of the redacted information would have the likelihood of identifying specific vulnerabilities within policing and HMPPS, specifically around counter corruption, which would ultimately compromise police tactics, operations and future prosecutions. Any information identifying the focus of policing activity could be used to the advantage of criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on law enforcement. Public safety would be put at risk if criminals were able to counteract police tactics.

Any information that could impact or undermine ongoing investigations or any future investigations would enable targeted individuals / groups to become tactically aware of the police capabilities. This would help subjects and avoid detection, and inhibit the prevention and detection of crime. The NPCC will not disclose information which may hinder the effective management of law enforcement or place staff or officers at risk.

The prevention and detection of crime is the foundation upon which policing is built and the police service have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. Disclosure of information captured by this request could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

The police service primary performance indicator is the reduction of crime, and disclosure which has a negative impact on that agenda affects public trust in policing and in this case may make it more difficult to police.

Factors favouring disclosure for S31

The public are entitled to know how public funds are spent and to disclose the requested information would allow the public to see where money is being spent and would allow the public to understand that the police are robust in preventing and investigating criminal activity and how effectively police communicate with other organisations.

The NPCC is committed to demonstrating proportionality and accountability. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively managing these areas of policing, the release of the redacted sections could undermine partnership working by having a negative impact on the flow of information between law enforcement bodies resulting in a fragmented approach to

policing and risking public safety. Furthermore, release of information that may undermine future strategies could lead to a public loss of trust and confidence in the abilities of the police to protect those we serve and prevent and detect crime.

With regard the evidence of harm itself, there is a threshold that requires the predicted issues to be 'more than likely'. In the case of an offender identifying full investigative techniques or gleaning information which would assist in offending behaviour can be difficult to establish and evidence the harm without actually disclosing exempt information. However, the principles are well established in terms of Freedom of Information legislation that to a certain extent the professional opinion of the police must be taken into account.

As much as there is public interest in knowing that policing activity is appropriate and balanced, releasing the redacted information could potentially allow people intent on criminal activity to disrupt and/or circumnavigate operational systems and therefore it is our opinion that the risks leave me in no doubt that the balance, at this time lies in non-disclosure.