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17/02/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 28/2022

Thank you for your request for information regarding the Covid-19 Policing Brief, which has now been considered.

Applicant Question:

I am writing to ask for further information concerning the COVID-19 Policing Brief in response to the Health Protection (Coronavirus Wearing of Face Coverings) England Regulations 2021, to complain about current guidance, and to request that this guidance is reviewed and reissued as soon as possible for the reasons stated below. This is an issue of the utmost importance as this guidance is being used nationally, affects millions of people, and is currently not well balanced with potential to have a disproportionate adverse effect on people who are already vulnerable, distressed, or otherwise unwell.

Firstly, I would like to ask for the names of the person(s) who prepared this guidance, who reviewed it, and who authorised it to be published along with their qualifications or job role descriptions. I am asking this because I am concerned that they do not understand the potential for harm, in terms of individual trauma and police/public relations, that current guidance fails to prevent.

NPCC Response:

The NPCC does hold information captured by your request.

A list of 15 names and accompanying job role descriptions has been captured under the heading people who have reviewed the guidance. No further information was captured by your request. 9 of the names and their job role descriptions have been withheld under Section 40(2) Personal Information. The remaining details have been provided below:

Owen Weatherill – Head of NPoCC & Op Talla Silver
Hannah Wheeler - Op Talla, NPoCC
Anastasios Vourexakis - Communications Manager National Police Chiefs' Council
Christian Bace - Communications Manager National Police Chiefs' Council
James Rose - Legal Advisor, College of Policing
Neil Pattinson – Head of Public Safety Emergency Response Public Safety Group, Home Office

Please note that this is not an exhaustive list of people who will have prepared and reviewed the document, only information held by the NPCC that is captured by your request.



Yours sincerely

Fiona Greenlees

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www.npcc.police.uk

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

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

The legislation: Section 40 Personal Information

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if
(a) it constitutes personal data which does not fall within subsection (1), and
(b) the first, second or third condition below is satisfied.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—

- (a) would contravene any of the data protection principles, or
- (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

Any information to which a request for information relates is also exempt information if it constitutes personal data which do not fall within subsection (1), and either the first or the second condition is satisfied.

S40(2) applies to third party personal data. Any release would breach the data protection principles contained within the Data Protection Act 2018. S40(2) has been engaged by virtue of S40(3)(a)(i). Any disclosure of withheld information would breach the first data protection principle of fair and lawful processing.

This is an absolute exemption and there is no requirement to apply the public interest test.

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.