

c/o PO BOX 481
Fareham
Hampshire
PO14 9FS

Tel: 02380 478922

Email: npcc.foi.request@npfdu.police.uk

02/02/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 037/2022

Thank you for your request for information regarding NPCC Central Referral (NPFDU) advice which has now been considered.

Applicant Question:

1. When someone submits an FOI to a police force, what is the process by which it is referred to the NPCC? In answering this question, please advise whether the NPCC reviews all FOI submissions to police forces or if forces refer them to the NPCC
2. Does the NPCC provide forces with a list of requesters and/or a list of topics for them to keep an eye out for? If so, please provide these list(s)
3. In what situations would the NPCC draft a reply to a Freedom of Information request sent to a force/forces? Please provide the fullest possible list of situations in which this would occur
4. Please provide me with any and all guidance documents issued to forces by the NPCC that relate to the handling and referral of FOIs
5. The attached FOI response was provided to me by multiple forces, and I was told by one it came from the NPCC. Please could you advise:
6. 5a) How was the NPCC notified of my FOI request? Specifically, which force/forces made the referral and what was their concern?
7. 5b) Why did the NPCC issue a centralised response to my FOI?
8. 5c) Please provide me with all communications received by and issued by the NPCC in relation to my freedom of information request. This should include the initial referral(s) and all guidance issued.

NPCC Response:

1. The NPCC does hold information captured by part 1 of your request and I have pleasure in providing the current template (V7.9), which includes referral criteria and direction which forces are directed to submit; if the criteria is met. This template forms part of the published Manual of Guidance and the direct link is provided at part 4 below.
2. The NPCC does not hold information captured by part of part 2 of your request. The NPCC does not provide forces with a list of requesters. The information provided in part 1 does provide a list of topics (referral criteria).



3. The NPCC does not hold information captured by part 3 of your request. The NPFDU does not draft replies to Freedom of Information requests sent to forces. The NPFDU provides advice to forces to assist with force responses.
4. The NPCC does hold information captured by part 4 of your request and whilst S21 Information reasonably accessible by other means is engaged, in wishing to assist you, I have pleasure in providing the following direct web-link to the published NPCC Manual of Guidance to the Freedom of Information Act (2000) Version 8.0 dated January 2021 which includes the NPCC NPFDU referral template and criteria for referral:

<https://www.cityoflondon.police.uk/SysSiteAssets/foi-media/city-of-london/foi-manual-of-guidance/npsc-manual-of-guidance-2021-v8.pdf>

5. The NPCC does not hold information captured by part 5 of your request. I can confirm that the attachment provided by you was not issued to you by the NPCC. I have made an inference that the person you consulted with in a particular force, may have been referring to advice provided by the CRU in order to assist that particular force in compiling their response.
6. The NPCC can neither confirm nor deny that it holds any of the information requested.

Where S40(5) personal information applies, the NPCC has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not information is held.

The above is the statutory response I am compelled to give you but it may assist you in understanding this by pointing out that confirming nor denying whether information is held would disclose personal information. This would breach the Data Protection Act, by virtue of the first principle, which relates to being lawful, fair and transparent.

This cannot be taken as an inference that the information you have requested does not exist.

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Yours sincerely

Sherry Traquair

NPCC Freedom of Information Officer & Decision Maker

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

(5) the duty to confirm or deny-

- a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and (b) does not arise in relation to other information if or to the extent that either-
- i. the giving 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 data protection principles or section 110 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
- ii. by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

Where S40(5) personal information applies, the NPCC has determined that in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not information is held.

The above is the statutory response I am compelled to give you but it may assist you in understanding this by pointing out that confirming nor denying whether we do or do not hold information would disclose personal information.

This would breach the Data protection Act, by virtue of the first principle, which relates to fairness. This cannot be taken as an inference that the information you have requested does nor does not exist.

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.