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07/04/2022

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 111/2022**

Thank you for your request for information regarding West Yorkshire Police Performance Data (WYP; which has now been considered.

**Applicant Question:**

I write following information I have received from West Yorkshire Police (WYP).

This relates directly to the data (I understand) the NPCC received from WYP that was apparently subsequently forwarded to the ICO.

Points 1-8 below merely require NPCC confirmation of accurate published data, whilst point 9 will require disclosure under FOIA (2000).

Please therefore provide the confirmation as early as possible. I understand that I may need to wait up to one calendar month until point 9 is disclosed.

The data in question was used in the publication of the ICO report, dated November 2020, entitled "Timeliness of responses to information access requests by police forces in England, Wales and Northern Ireland".

On page 51 of that report, which is available online at <https://ico.org.uk/media/2618591/timeliness-of-responses-to-information-access-requests.pdf> , two tables are presented, each relating to FOI information provided by different Forces.

On the Right-hand side of that page, on the eighth row, data is published corresponding to Volumes of FOI requests received, specifically to WYP on a monthly basis spanning September 2019 to August 2020.

For your convenience, I provide a screenshot of an extract of the page from the above published report, below. I have redacted the data from other Forces, so that only the WYP data is visible.

*Screenshot removed.*

The row above has date entries 139, 142, 114, 80, 174, 131, 91, 92, 73, 99, 98 and 87 respectively.

1. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report.



On the left-hand side of the page, a table is published for FOI Timeliness rate. The corresponding percentage figures over the same period for WYP are exhibited with the following data entries:

53, 73, 61, 51, 58, 69, 58, 68, 77, 42, 46 and 63 respectively.

2. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report.

On the following page (52), a further two tables are represented, each relating to FOI information provided by different Forces.

On the right-and side of that page, on the seventh row, data is published corresponding to FOI pipeline volume, specifically to WYP on a monthly basis spanning September 2019 August 2020. For your convenience, I provide a screenshot of an extract of the page from the above-published report, below.

I have redacted the data from other Forces, so that only WYP data is visible.

*Screenshot removed.*

The row above has values: 152, 167, 160, 138, 175, 158, 108, 114, 111, 164, 142, and 156 respectively.

3. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report?

On the Left-hand side of the page, a table is published for Volume of FOI requests closed. The corresponding data over the same period for WYP are exhibited with the following entries: 124, 132, 121, 103, 139, 151, 142, 80, 71, 65, 120, and 82 respectively.

4. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report?

On page (54), a further two tables are presented, each relating to SAR information provided by different Forces.

On the Right-hand side of that page, on the third row, data is published corresponding to Volume of SARs received, specifically to WYP on a monthly basis spanning September 2019 to August 2020. For your convenience, I provide a screenshot of an extract of the page from the above-published report, below.

I have redacted the data from other Forces, so that only the WYP data is visible.

*Screenshot removed.*

The row above has values: 139, 167, 135, 99, 122, 139, 113, 92, 113, 114, 116, and 129 respectively.

5. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report?

On the Left-hand side of the page, a table is published for SAR Timeliness rate. The corresponding percentage figures over the same period for WYP are exhibited with the following data entries: 18, 28, 24, 46, 5, 29, 28, 16, 23, 27, 21, and 34 respectively.

6. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report?

On the following page (55), a further two tables are presented, each relating to SAR information provided by different Forces. On the Right-hand side of that page, on the second

row, data is published corresponding to SAR pipeline volume, specifically to WYP on a monthly basis spanning September 2019 to August 2020.

For your convenience, I provide a screenshot of an extract of the page from the above published report, below. I have redacted the data from other Forces, so that only the WYP data is visible.

*Screenshot removed.*

The row above has values: 261, 286, 290, 351, 420, 478, 471, 475, 490, 463, 405, and 3 respectively.

7. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report?

On the Left-hand side of the page, a table is published for Volume of SARs closed. The corresponding data over the same period for WYP are exhibited with the following entries:

77, 92, 95, 39, 55, 83, 120, 88, 98, 143, 174, and 131 respectively.

8. Please can you confirm the data above is entirely consistent with the data you received directly from WYP, and further, is an exact copy of the data you provided to the ICO for publication in their report?

#### **Freedom of Information request 15.3.22.**

9. Please disclose all additional FOI and SAR data you hold relating to WYP's performance on a monthly basis, between April 2015 and August 2019. This will include the 8 strands consistent with the above namely, the following 8 metrics:

Volume of FOI requests, FOI timeliness rate, FOI pipeline volume, Volume of FOI requests closed, Volume of SAR requests, SAR timeliness rate, SAR pipeline volume, and Volume of SARs closed.

#### **NPCC Revised Response:**

The NPCC does hold information captured by part of part 9 of your request.

You have requested all information held for both FOI and SARs, relating to WYP performance, monthly between April 2015 and August 2019. The information held has been retrieved and is attached as document titled 'West Yorkshire Performance figures 2015 – 2019'.

Please note that SAR data was not requested or recorded by the NPCC until September 2019, which is outside of your request. All attachments will be for FOI data only. Further, the data was not recorded monthly as per your request until September 2019; therefore, the information captured will be quarterly statistics.

The data will not be complete due to a period of non-collection in July and August 2019, and the data has been collated in different formats over time, to that which was presented by the ICO in the 'Timeliness Report' referred to by you.

Please accept my apologies for omitting the attachment in your initial response. We have experienced many IT challenges in trying to assist you with this request.

As explained previously by way of an acknowledgement to your request on 16/03/2022:

#### **Parts 1-8:**

The Legislation - Section 8(c) (1) In this Act any reference to a request for information is a reference to such a request which - (a) is in writing (b) states the name of the applicant and an address for correspondence, and (c) describes the information requested. Questions 1 to 8 of your request are not valid under the Freedom of Information Act, as they do not describe the recorded information

you wish to see. Instead, they ask for confirmation that require an answer rather than requesting information based on recorded material.

I can confirm, as you inferred, that points 1 to 8 were requested outside of the Freedom of Information Act.

As previously explained, there is no central repository held by the NPCC for all information generated by Coordination Committees, Working Groups or National Units. Points 1 to 8 seek information albeit not necessarily data, but specific answers to questions. There are established processes set out by the NPCC who are committed to being open and accountable. The NPCC publish a range of information including responses to Freedom of Information Requests.

The Freedom of Information Act gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities.

To deviate from established processes, by answering general questions set by members of the public may undermine resources, specifically where there is a 'rights of access to information' platform for members of the public to request information.

The Freedom of Information Act 2000 provides a general right of access to all types of recorded information held by public authorities, at the time a request is received. This right is outlined under Section 1 of the Act and has two aspects. Firstly, the public authority must (unless an exemption applies) confirm whether or not the information requested is held. Secondly, where information is held, the public authority must (unless an exemption applies) communicate that held information to the applicant - in other words disclose the held data. Section 84 of the Act additionally states, that the right of access is to recorded information.

For example, an FOIA request would be for a copy of a policy document, rather than an explanation as to why a policy is in place. The Act does not cover general questions about, for example, a policy, instructions/guidance or decisions, or analysis, interpretations, explanations, assessments, opinions, comments or unrecorded discussions.

This is explained within ICO Decision Notice [FS50191203](#), which states at paragraph 18: 'Set out at Section 84, the right of access under the Act is defined as the right to access recorded information held by a public authority. A public authority is under no obligation to create new information, provide general explanations or opinions.'

This is also explained in First-Tier Tribunal case no. EA/2006/0069 (para 15), which states: 'Information is defined in Section 84 of the Act as 'information recorded in any form'. The Act therefore only extends to requests for recorded information. It does not require public authorities to answer questions generally; only if they already hold the answers in recorded form. The Act does not extend to requests for information about policies or their implementation, or the merits or demerits of any proposal or action - unless, of course, the answer to any such request is already held in recorded form.'

In wishing to assist you, outside of the Act, and whilst it is understood that you are seeking "confirmation" to general questions, the NPCC has checked the data received from WYP to ensure consistency with the data provided to the ICO for the Timeliness report and we can confirm for questions 1 to 8 that it is. We have provided additional information to you as a gesture of goodwill.

In relation to question 7, the figure you have quoted as 03, from the ICO published figures (P55 of the ICO report) is incorrect. The submission from WYP was 403, which is the figure provided to the ICO. However, it appears that the brown line has obscured the published number by the ICO. However, the ICO has used the figures of 403, as it has been included in the total column.

We received a follow on request (06/04/2022) asking to be provided with further omitted data in relation to additional information provided to you outside of the Act on 05/04/2022. We can confirm that the data was not omitted for questions 1 to 8, as the request was not for the documents themselves.

To accommodate your request, and outside of the Act, the further requested information is attached:

- Point 1 in relation to file 03 titled 'NPCC Response Letter Attachment 03 of 12'
- Point 2 requesting SAR data from September 2019 to December 2019 titled 'WYP Sept 19 to Dec 19 SAR data';
- Point 3 requesting IR data prior to January 2020. For the period April 2015 to June 2019, this is held on the attachment titled 'West Yorkshire Performance figures 2015-2019', as part of the response to question 9. The additional data from September 2019 until December 2019 is on the attachment titled 'WYP IR Data Sept 19'. Please note data was not collected from forces in July and August 2019.

I wish to stress that information provided to answer your questions 1 to 8 have resulted in our efforts to assist in being extremely labour and resource intensive. Three members of staff have contributed to your acknowledgement, initial response, and finally, this revised response.

Your FOI request (part 9) is now concluded and your appeal rights are articulated below.

The NPCC are unable to provide any further assistance outside of the Act, but welcome any future requests for recorded information.

I have provided a direct web-link to the ICO's website on how to access information from a public body, which may be of assistance:

<https://ico.org.uk/your-data-matters/official-information/>

Yours sincerely

**Sherry Traquair**

NPCC Freedom of Information Officer & Decision Maker

[www.npcc.police.uk](http://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.