Record of the qualified person's opinion
Freedom of Information Act 2000 Section 36

When dealing with a complaint regarding section 36 of the Freedom of Information Act 2000, the ICO will expect to see evidence of the qualified person's opinion and how it was reached. We require this evidence in order to decide whether the opinion was a reasonable one. The following form sets out the minimum information that we expect public authorities to provide to us about the qualified person's opinion, in the event of a complaint.

Completing this form is a convenient way for public authorities to give us the information we need. It is intended as a tool to assist public authorities, but there is no statutory requirement for them to use it; if instead they are able to send us other documents that record the same information about the qualified person's opinion, we will accept those.

While the purpose of the form is to help in providing information to us when we are investigating a complaint, public authorities may also wish to use it when they are considering applying section 36, as part of the internal process of obtaining and recording the qualified person's opinion.

Please see the notes at the end for help in completing this form. For further information on section 36 of the Freedom of Information Act 2000, please see our guidance document on Prejudice to effective conduct of public affairs (section 36).

This form only records the qualified person's opinion under section 36(2) of the Freedom of Information Act. If the qualified person's opinion is that section 36(2) is engaged (ie that disclosure of the information would or would be likely to cause prejudice or inhibition), the public authority must then carry out the public interest test. As a matter of good practice, public authorities should also keep a record of the factors considered in the public interest test and the outcome of that test.

The public authority	
1. Name of the authority	National Police Chiefs' Council
The qualified person	
2. Name *(see Notes below)*	CC Gavin Stephens
3. Job title	Chair, NPCC
4. Subsection of s36(5) under which qualified person is authorised *(see Notes below)*	S36(5)(O)
Information on which opinion was sought	
5. Brief description of the information requested	'Six Myths about Police media briefings busted' article (Six myths about police media briefings busted). This article discusses the police-media relationships and correcting public misconceptions. The information requested summarised: 1. Documents and evidence supporting the article 2. Communications pertaining to the article 3. Authorship and approval
6. Information was	shown to qualified person
	☒ described to qualified person
Submission to the qualified person	
7. Date opinion sought	28/05/26
8. Subsection(s) of s36(2) on which opinion was sought *(see Notes below)*	☐ 36(2)(a)(i) ☐ 36(2)(a)(ii) ☐ 36(2)(a)(iii) ☐ 36(2)(b)(i) ☐ 36(2)(b)(ii) x 36(2)(c)
9. Arguments put forward as to why prejudice/ inhibition would/ would be likely to occur	Information was partially disclosed with partial redactions and some withheld and these reasons are: That disclosure would likely prejudice the ability of the National Police Chiefs' Council (NPCC) to engage in open and honest dialogue with partner agencies. It emphasises that such openness is essential for effective collaboration. If partners were to feel constrained in sharing candid views, this could undermine trust and reduce the quality of joint working arrangements. This would have a detrimental impact on the Police to maintain trust, consistency, and clarity in the handling of this information. The NPCC works with other external partner agencies in order to combat a variety of threats and issues. Release of this redacted information would

	seriously undermine this partnership approach in respect to measures concerning combating inaccurate information in the media. Releasing the information in scope of this request would have a detrimental, chilling effect on the future ability of officials to discuss the handling of media matters and subsequently the quality of any future advice may deteriorate. Stakeholder's raised concerns they would withdraw from future collaboration if disclosure was made. Consequently, the effectiveness of deliberations and decision making would be harmed generally. It is vital that colleagues and partner agencies can provide free and frank exchange of views to others regarding changes to the media handling plan and be able to adapt their views and advice without fear that those outcomes or conversations will be released later into the public domain. Any consequential negative impact on policing's ability to understand and address areas of concern would ultimately be undermining the effective conduct of public affairs and prevent future partnership working.
10. Counter arguments put forward	Partnership working is part of the foundation upon which policing is built and partners involved would expect
11. Any other factors taken into account	

The qualified person's opinion

12. *(see Notes below)*

The qualified person's opinion is that, if the information requested were disclosed, the prejudice/ inhibition specified in the following section(s) of the Freedom of Information Act 2000

☐ 36(2)(a)(i)
☐ would occur ☐ would be likely to occur

for the following reasons(s): ……..
……
……..

☐ 36(2)(a)(ii)
☐ would occur ☐ would be likely to occur

for the following reasons(s): ……..

…… …… ☐ 36(2)(a)(iii) ☐ would occur ☐ would be likely to occur for the following reasons(s): …….. …… …… ☐ 36(2)(b)(i) ☐ would occur ☐ would be likely to occur for the following reasons(s): …….. …… …… ☐ 36(2)(b)(ii) ☐ would occur ☐ would be likely to occur for the following reasons(s): …….. …… …… ☒☒ 36(2)(c) ☐ would occur ☒ would be likely to occur for the following reasons(s): As above.	
13. Date opinion was given *(see Notes below)*	__ / __ / ____ (DD/MM/YYYY)
14. Qualified person's signature *(see Notes below)*	

Notes for completing this form

2. Where the public authority itself, rather than an individual, has been authorised as the qualified person, the name will be that of the highest decision making body of the authority.

4. Please refer to section 36(5) of the Freedom of Information Act 2000 for the list of qualified persons.

8. This lists the subsections of section 36 which the qualified person was asked to consider.

The full text of section 36(2) is as follows:

> *(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—*
>
> *(a) would, or would be likely to, prejudice—*
>
> *(i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or*
>
> *(ii) the work of the Executive Committee of the Northern Ireland Assembly, or*
>
> *(iii) the work of the Cabinet of the Welsh Assembly Government.*
>
> *(b) would, or would be likely to, inhibit—*
>
> *(i) the free and frank provision of advice, or*
>
> *(ii) the free and frank exchange of views for the purposes of deliberation, or*
>
> *(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.*

12. This lists the subsections of section 36 which the qualified person decided were engaged. Please tick the relevant subsection(s), and in each case indicate whether the prejudice or inhibition would or would be likely to occur and the reasons for this.

13. This is the date on which the qualified person's opinion was given. If the form is completed after that, the date entered here must still be the date on which the opinion was given.

14. Where the public authority itself, rather than an individual, has been authorised as the qualified person, the form should be signed on behalf of the highest decision making body of the authority. In that case, please also print the name of the person signing on behalf of that body.