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01/12/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 376/2022

Thank you for your request for information regarding NPCC Data Breaches, which has now been considered.

Applicant Question:

Under the Freedom of Information Act 2000 I would like to request the following information:

The number of data breaches reported to your force data protection officer, or equivalent, for each of the following years:

1. 2018
2. 2019
3. 2020
4. 2021
5. 2022

Please provide a breakdown for each year including:

- i) the month/year of the breach
- ii) a summary of the nature of the breach including a description of the data involved, including whose data it was compromised, e.g. Police officer/civilian employee, members of the public, witnesses etc.
- iii) details of the circumstance of the breach and any subsequent risks arising from the breach
- iv) whether or not the breach was reported to the Information Commissioner Office (ICO) and what the repercussions of that was, i.e., any fines from the ICO.

NPCC Response:

The NPCC does hold information captured by your request. *Data breach information is held separately by the NPCC and ACRO Criminal Records Office.*

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 14 Vexatious Requests

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

The Freedom of Information Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable.

Whilst most people exercise this right responsibly a few may misuse or abuse the Act by submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact on a public authority.

The Information Commissioner recognises that dealing with unreasonable requests can place a strain on resources and get in the way of delivering mainstream services or answering legitimate requests. Furthermore, these requests can also damage the reputation of the legislation itself.

Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

Indicators (not listed in any order of importance):

- Abusive or aggressive language
- **Burden on the authority**
- Personal grudges
- Unreasonable persistence
- Unfounded accusations
- Intransigence
- Frequent or overlapping requests
- Deliberate intention to cause annoyance
- Scattergun approach
- Disproportionate effort
- No obvious intent to obtain information
- Futile requests
- Frivolous requests

I would stress that such protection exist within the legislation in order to ensure that applicants use their rights to seek information responsibly and public authorities are not overwhelmed by over burdensome requests.

In coming to this conclusion, I have considered the Information Commissioner's latest published guidance, ['Dealing with Vexatious Requests \(Section 14\)'](#).

The ICO confirm that section 14(1) may be applied where you can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden on an organisation. This will most likely apply where:

- The requester has asked for a substantial volume of information; **and**
- The public authority have real concerns about potentially exempt information, which they are able to substantiate, if asked to do so by the ICO; **and**
- The public authority cannot easily isolate any potentially exempt information because it is scattered throughout the requested material.

In wishing to explain further, to be able to answer parts ii.-iv. of your request, every single data breach would need to be reviewed. Due to the volume of data breaches captured by your request each breach would have to be manually read to pull out the relevant information as well as reviewed for sensitive data that may engage further exemptions. For example in 2020, ACRO recorded over 900 data breaches (this is against over 700,000 completed transactions). To review

and redact that 1 year alone, at a conservative average of 5 minutes per transaction, to provide information for points ii. – iv. would take over 75 hours.

Whilst I appreciate the legitimacy of your request and the genuine public interest in the information you are seeking, pressure on resources is such that the NPCC has no choice but to apply the legislative principles embodied in s14(1) to this request. Processing this request as it stands would necessarily result in the re-diversion of resources away from other important activities and de-prioritising all day-to-day aspects of NPCC work. The result would be that other applicants, also with a legitimate right of access, would be penalised and the routine work of the NPCC would be interrupted and prejudiced.

Outside of the Freedom of Information Act and as a gesture of goodwill, to avoid you having to wait whilst you resubmit a refined request, I have provided the information below as it could be reviewed without being considered burdensome.

In relation to ACRO Data Breaches:

Please see the attached PDF for ACRO data breaches for the years 2018-(incomplete 2022), which includes annual totals broken down by month.

In relation to NPCC Data Breaches:

Enquiries regarding the dates before 2022 confirmed that no data is held. 2 data breaches have been recorded in 2022 – details can be found below.

Month/Year	Total
Feb-2022	1
Sep - 2022	1

Yours sincerely

Fiona Greenlees

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.