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22/02/2023

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 006/2023

Thank you for your request for information regarding Chief Constables' Council; which has now been considered.

Applicant Question:

Thank you for your response and the attached agenda.

If possible, can you please just send me the papers related to the following items:

The minutes for approval from the previous meetings (session #1);
Police race action plan - improving policing for black people;
Change in Policing Practice for the Police use of Polygraph;
Firearms Licensing and Explosives Portfolio – Inquest Funding Request;
Federated Ranks Annual Leave;
Fixed Term Appointments.

(Session #2) The Baroness Casey Review

(Session #4) Prevention Coordination Committee: College of Policing Update, women in the CJS, security systems group

(Session #7) College of Policing update

(Session #8) Review of Productivity in Policing Update

(Session #9) Budget Announcements and Impact on Policing (all)

(Session #10) Criminal Justice Coordination Committee

(Session #11) Workforce Coordination Committee

(Session #14) Crime coordination committee

NPCC Response:

The NPCC does hold information captured by your request.

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I have identified where redactions have taken place and in doing so have stated the exemption that applies to each redaction.

I have detailed the exemptions used below, namely S21(1) Reasonably available to you; S23(1) Information Supplied by or Concerning Certain Security Bodies; S24(1) National Security; S31(1) Law Enforcement and S43(2) Commercial Interests.

Title	Paper	Exemption
Session 01		
	Agenda	Minor S31 redaction
	Minutes 28/29 September 2022	S23 S43 S31
	Minutes 14 November 2022	S23 S43
	Police Race Action Plan – Improving Policing for Black People	Released in full
	Change in Policing Practice for the Police use of Polygraph	S31 S43
	Firearms Licensing & Explosives Portfolio – Inquest Funding Request	Released in full
	Federated Ranks Annual Leave	Released in full
	Pay & Conditions of Service – Fixed Term appointments	Released in full
Session 02	The Baroness Casey Review	S21
Session 04	Prevention Coordination Committee	Released in full
	College of Policing Update	Released in full
	Women in the CJS	Released in full
	Security Systems Group	Released in full
Session 07	College of Policing Update	Released in full
	PEQF & IPLDP	
	PNAC & SCC Update	

Session 08	Review of Productivity in Policing Verbal Update	Verbal Update – no supporting paper
Session 09	Budget Announcements & Impact on Policing NPCC Operating Budget 2023-24 Science & Technology Funding Discussions Police Race Action Plan Funding Update	Released in full Released in full Released in full Released in full
Session 10	Criminal Justice Coordination Committee Charging & Out of Court Disposals Victims & Witnesses Case Progression Disclosure Courts	Released in full Released in full Released in full Released in full Released in full
Session 11	Workforce Coordination Committee Draft Strategic Assessment of Workforce Uplift – PUP National Wellbeing Service including Suicide Prevention Update Pay & Conditions	Released in full Released in full Released in full Released in full S31 redactions
Session 14	Crime Coordination Committee SOC Update (including 23/24 ROCU Uplift) Child protection HMI thematic inspections	S23 & S31 redactions Released in full

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 21 Information Reasonably Accessible by Other Means

- (1) Information which is reasonably accessible to the applicant otherwise than under Section 1 is exempt information

For convenience, I have included Session 02 within the pack.

The legislation: Section 23 Information supplied by, or concerning, certain security bodies – the legislation:

- (1) Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to any of the bodies specified in subsection (3) This is an absolute exemption and there is no requirement to consider the public interest test.

The legislation: Section 24 National Security

- (1) Information which does not fall within Section 23(1) is exempt information if exemption from Section 1(1)(b) is required for the purposes of safeguarding national security.

Information will not be released if the information, where if to do so, would result in the information potentially being used to help one or more individuals circumvent for criminal and/or other reasons including those that would put at risk national security.

The information would allow individuals to infer the level of ability police forces maintain in regards to safeguarding national security. There is a significant risk that knowledge and understanding of any capabilities that the police have would allow terrorists or individuals to undermine or circumvent the police thereby prejudicing the ability to maintain national security.

Any disclosure under FOI is a disclosure to the world at large, and confirming the use of specialist techniques which the police service deploy in specific circumstances would prejudice law enforcement. This would be damaging and limit operational capabilities as criminals / terrorists would gain a greater understanding of the police's methods and techniques, enabling them to take steps to counter them; and provide an indication to any individual who may be undertaking criminal / terrorist activities that the police service may be aware of their presence and taking counter terrorist measures.

It is understood that the public are entitled to know where their public funds are being spent and a better informed public can take steps to protect themselves.

However, confirming the use of specialist surveillance techniques, capabilities, methodology and resources could render security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

The legislation: Section 31 Law Enforcement

- (1) Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice-
 - (a) the prevention or detection of crime,
 - (b) The apprehension or prosecution of offenders

Disclosure of this information would enable those with criminal intent to target specific areas of the UK to conduct their criminal or terrorist activities. This would also enable criminals to take measures to counteract the tactical capabilities of police forces.

Disclosure of this information would have the likelihood of identifying specific vulnerabilities, which would ultimately compromise police tactics, operations and future prosecutions. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on law enforcement. Public safety would be put at risk if criminals were able to counteract police tactics. The NPCC is committed to demonstrating proportionality and accountability.

Any information that could impact or undermine ongoing investigations or any future investigations would enable targeted individuals / groups to become tactically aware of the police capabilities. This would help subjects and avoid detection, and inhibit the prevention and detection of crime.

The NPCC will not disclose information which may hinder the effective management of law enforcement or place staff or officers at risk. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively managing this area of policing, there is a very strong public interest in safeguarding the tactical abilities.

The prevention and detection of crime is the foundation upon which policing is built and the police service have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. Disclosure of information captured by this request could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

Some email addresses are contained within the correspondence and disclosure of direct contact details would enable an individual, intent on committing an offence to make contact with the department, pose as a police officer or member of police staff and try to glean information which would assist in their offending behaviour.

Disclosing information which may place the public at risk, or make it easier for crime to be committed cannot be in the public interest.

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The police service primary performance indicator is the reduction of crime, and disclosure which has a negative impact on that agenda affects public trust in policing and in this case may make it more difficult to police.

With regard the evidence of harm itself, there is a threshold that requires the predicted issues to be 'more than likely'. In the case of an offender identifying full investigative techniques or gleaning information which would assist in offending behaviour can be difficult to establish and evidence the harm without actually disclosing exempt information. However, the principles are well established in terms of Freedom of Information legislation that to a certain extent the professional opinion of the police must be taken into account.

Some of the workforce papers have been withheld as this is work in progress and has not been agreed. If this is shared with officers and prospective officers via any media platform, it has the potential to cause consternation amongst police officers, undermining Operation Uplift and the recruitment process and in turn operational law enforcement. Any proposals will need to be presented to staff associations for consultation before wider circulation. The lack of the enhancement to the public debate that the redacted points produce, coupled with the risks leave me in no doubt that the balance, at this time lies in non-disclosure.

Minor redaction has also been made to the Criminal Justice Coordination Committee update slides specifically for Charging. The information was provided to the NPCC specifically for Chief Constables' Council and on the provision that it was not for wider circulation. The slides contain results attained

over a small snapshot of time and do not represent adequately performance in relation to the new charging model and how it is received by its users.

There were benefits not captured at the time of Chief Constables' Council and releasing it could mislead how effectively the new process is working for victims and witnesses. This could be harmful in terms of public perception and hinder the wider roll out of the model. Some of the information was obtained through a manual count in one area and four police forces, which would lack credibility as it is not a fair representation of the dynamic between national policing and the CPS.

Any information released that would cause a dilution of trust between stakeholders; in this case the NPCC and CPS, in relation to future information sharing to encourage consultation processes would be prejudicial to law enforcement.

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.

The legislation: Section S43 Commercial Interests

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice commercial interests of any person (including the public authority holding it).

The disclosure of the exempt information would provide greater transparency on how the police service spends public money. It would provide greater clarity on the propositions made by the UK police service and what resources will be allocated in order to ensure that the proposals are successfully tendered and completed.

However, relationships would undoubtedly be damaged by the disclosure of the redacted information.

It is important that information is protected which would undermine any such relations as this would not only have an effect on the police service but also any future engagements and proposals the police service may have. The papers concern also the strategic position of the police service in relation to both financial and commercial and operational risk.

Although there is a public interest in understanding how the police service determine whether a service / product is suitable, there is risk of compromise and the trust and confidence between the parties is not in the public interest.

Although there is a public interest and accountability in knowing details of individuals who make decisions on behalf of the police service, the information should not be disclosed where there is a strong possibility that the disclosure would undermine the decision making process.

There is always a public interest in knowing how the police service allocates finances and the disclosure of this information may undermine the tendering process in securing contracts. Disclosure of the information would have a negative effect on the relationship of the supplier and individual police forces, as well as the NPCC.

Where public funds are being spent, there is a public interest in accountability and justification. In this case, there is an increase in public interest in how Senior Police Officers come together and debate national issues.

S43 protects information which, if disclosed, may adversely affect someone's business interests. The NPCC feel it would be inappropriate on our part to release any information that may adversely affect the business interests of an individual and reputation.