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24/02/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 062/2022

Thank you for your request for information regarding Chief Constable Council Agendas, which has now been considered.

Applicant Question:

The Agendas from both December 2021's CCC (8/9th) and February 2022's CCC (2nd/3rd)

NPCC Response:

The NPCC does hold information captured by your request.

I have attached the two agendas to this response letter; they have been subject to minor Section 31(1) Law Enforcement redactions. For more information on the legislation and risk of harm, please see Annex A below.

Yours sincerely

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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

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.

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

S31 is a qualified, prejudiced-based exemption, which require evidence of harm and for a public interest test to be conducted.

Disclosure of the redacted information would reveal into the public domain sensitivities within policing that in turn will undermine the CCC process and may inadvertently reveal vulnerabilities. Any information identifying the focus of policing activity could be used to the advantage of 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.

Factors favouring disclosure:

The public are entitled to know how public funds are spent and to disclose the requested information would allow the public to see where money is being spent and would allow the public to understand that the police are robust in preventing and investigating criminal activity. Revealing the withheld information could allow for full scrutiny of the CCC process.

Factors favouring non-disclosure:

Disclosing information that could impact or undermine policing, at either a regional or national level has the potential to hinder the effective management of law enforcement or place staff and officers at risk.

The NPCC will not disclose information that would enable those with intent to exploit policing and place the safety of the public at risk.

The NPCC is committed to demonstrating proportionality and accountability. Whilst there is a public interest in the transparency of how policing operates, and in this case providing assurance that the police service is appropriately and effectively managing these areas of policing, the release of the redacted sections could undermine partnership working by having a negative impact on the flow of information between law enforcement bodies. This would result in a fragmented approach to policing, risking public safety.

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.

As much as there is public interest in knowing that policing is appropriate and balanced, releasing the redacted information could potentially allow people intent on criminal activity to disrupt future

policing and its functions, and therefore it is our opinion that the risks leave me in no doubt that the balance, at this time lies in non-disclosure.