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Tel: 02380 478922

Email: npcc.foi.request@npfdu.police.uk

22/08/2023

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 228/2023

Thank you for your request for information regarding Chief Constables' Council July 2023; which has now been considered.

Applicant Question:

Can you please send me the following from the July Chiefs Constables' Council Meeting:

Minutes for approval of May 23 meeting

Chair's Update:

CCC Decision Making

Agenda for Reform

National ESN Role

Sustainable Funding Proposal Update

NPCC Strategic Risk Approach

Workforce Coordination Committee:

- Workforce Plan
- Job related Fitness Test Research Results
- Ethnicity Pay Gap
- Annual Leave- discussion
- Pay Announcement
- Commitment on Mandatory Training

SOC Chief Post Discussion:

- Drugs Strategy
- Actionable Evidence
- Op Soteria

Police Race Action Plan – Improving Policing for Black People

College of Policing Update: • 4th Route Design Principles and Update on Optimisation work

1st Floor, 10 Victoria Street, London SW1H 0NN T 020 7084 8950 F 020 7084 8951



NPCC Response:

The NPCC does hold information captured by your request.

I have identified where redactions have taken place and in doing so have stated the exemption that applies to each by virtue of the following exemptions:

Section 23(1) Information relating to Security Bodies, Section 31(1) Law Enforcement, Section 40(2) Personal Information, S42(1) Legal Professional Privilege and Section 43(2) Commercial Interests.

For further information relating to those exemptions, please see Annex A.

Additionally, I omitted to include parts 10 and 11 of the Agenda as part of our correspondence when you were seeking, helpfully, to request specific items rather than asking for a 'general all papers and presentations forwarded to Council' request.

In wishing to assist you and to avoid unnecessary bureaucracy and time lapses in responding to your request, I have included parts 10 and 11 outside of the Act as a gesture of goodwill. The error was entirely on my part.

Parts 10 and 11:

Session 10 State of Policing Recommendations

Session 11 Aviation, Drones & NPAS Update

Parts not included were delivered by way of verbal update:

Agenda for Reform

NPCC Strategic Risk Approach

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.

Legislation - Section 23 Information supplied by, or concerning, certain security bodies

(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 International Security – the legislation:

(1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose 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. Release of the information would 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.

Confirming the use of 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

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.

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).

Where the request captures personal informational including third party personal data, it is an absolute exemption under section 40(2) if disclosure would breach any of the data protection principles.

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.

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.