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13/11/2023

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 303/2023

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

Applicant Question:

Thank you for the agenda. Can you please send me the following:

Minutes for approval – July 23 meeting

Copy of Extraordinary CCC Decisions Log in pack (minutes will be submitted to December 23 Meeting)

Regional Papers:

NPCC Strategic Hub Risk Approach, Collaboration between Opal and Pegasus, Intelligence Portfolio Briefing Paper, AI Concordat, Science and Innovation Coordination Committee, Chief Officers Appointments Guidance Draft, Response Attendance Times

Head of HMICFRS Update:

- Force Management Statements
- Activism and Impartiality in Policing Inspection

HMICFRS State of Policing Annual Assessment –Survey Responses, Early Warning System HMICFRS Update

Crime Coordination Committee:

Forensics: External Forensics Market, Forensic Science Regulation

College of Policing:

- Code of Ethics
- Vetting APP

NPCC Future Financial Planning Review

Diversity, Equality and Inclusion (DEI) and Operational Effectiveness:

Police Race Action Plan-Taser Disproportionality Review

Workforce Coordination Committee:

- Leavers and Retention Framework
- Professional Standards and Ethics

Review of Productivity in Policing



NPCC Response:

The NPCC does hold information captured by the most part of your request and I have pleasure in providing this to you, save for minor S22, S23, S21 and S31 redactions.

Information not held is because the Agenda items were provided by way of a verbal update. This is documented for ease within the attached.

For further information relating to the legislation, please see Annex A.

Yours sincerely

Sherry Traquair
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 40 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.

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 to the applicant by other means

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
 - a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

S21 is an absolute exemption and there is no requirement to conduct a public interest test.

The legislation: Section 22 Information intended for future publication-

- (1) Information is exempt information if-
 - (a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
 - (b) The information was already held with a view to such publication at the time when the request for information was made, and
 - (c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the data referred to in paragraph (a)

Section 22 is a qualified exemption and as such is subject to a public interest test. This means that I have identified the exemption, considered whether the public interest in not disclosing the information outweigh the public interest test in disclosing the information.

In determining the public interest, I have evaluated the impact of releasing the information against the need for public bodies to exercise their functions. In this case, I have concluded that to release the statistics prior to them being published by the Home Office would be irresponsible on the NPCC's part.

The exemption is aimed at preserving intact all existing law providing access to information. The Freedom of Information Act is not designed to subsume other legal access rights or to give alternative routes to access where existing regimes are already available. The Freedom of Information Act access rights build on, but do not replace previous access rights. Those existing rights, and the separate procedural regimes which are tailored to them, continue in place, and the Freedom of Information Act observes corresponding limits to its role.

There is a general public interest in disclosure and openness to increase public trust in, and engagement with, the police service and government.

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 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

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 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.