

c/o PO BOX 481
Fareham
Hampshire
PO14 9FS

Tel: 02380 478922

Email: npcc.foi.request@cru.pnn.police.uk

10/01/2024

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 371/2023

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

Applicant Question:

Thank you for the agenda. Can I please have the papers relating to the following items:

Minutes for approval – September 23 meeting

Chair's Update: State of Policing Update, Surveillance Portfolio and Race and Religion Portfolio, ESN Lead

Current Operational Demands: Operation Vertu, Operational Independence
Police Race Action Plan

Regional Paper: Police Heritage, rapid Video Response support for National roll out of Capability

NPCC Response to the HMICFRS 'Getting a Grip Report

College of Policing: Chief Officer Appointments (Review of Regional Feedback), The Sergeant to Inspector Promotions Process, The Executive Leaders Programme

NPCC Workforce Coordination Committee: Pay Progression Standard – 6 Month Initial Evaluation, Targeted Variable Pay, PRRB Pay Submission, Strategic Assessment of Workforce, Leadership Portfolio

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 S23, S24, S31, S40 and S43 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

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



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 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 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

(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.

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

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.

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

(2) 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.