



Freedom of Information, Information Compliance Unit, Kent Police Headquarters, Sutton Road,
Maidstone, Kent ME15 9BZ Phone: 01622 654413

Fax: 01622 654437 - e-mail: freedomofinformation@kent.pnn.police.uk

Ms. Calli Sheppard
Request-10401-8d254525@whatdotheyknow.com

Date: 5th May 2009

Tel No.: (DDI) 01622 642249

FOI Ref.: 3020/2009

Dear Ms. Sheppard,

FREEDOM OF INFORMATION REQUEST 3020/2009

I write in connection with your request for information received by Kent Police on the 15th April 2009, in which you asked the following question

Please could you publish the location of my property taken from my vehicle? (Details supplied) I have not committed or been charged with any crime, so you are entitled to return my property. As I have not signed any form to release my property to anyone else I believe it should still be in your possession.

If an individual has had property confiscated by Kent police then they should contact Legal Services, Kent Police Headquarters, Sutton Road, Maidstone Kent, ME15 9BZ, or email legal.services@kent.pnn.police.uk in each case giving as much detail about times, date and place of seizure, seizing officer's number, and including any property receipts that may have been provided. Please note we have therefore forwarded your request to our legal services department.

The information that has been requested cannot be provided under the Freedom of Information Act 2000 for the following reasons.

Section 1 of the Freedom of Information Act 2000 provides two distinct but related rights of access to information, which impose corresponding duties on public authorities. These are:

Section 1(1)(a) the duty to inform the applicant whether or not information is held by the authority, and, if so

Section 1(1)(b) the duty to communicate that information to the applicant.

The Act contains a number of exemptions that are designed to protect the legitimate interests of those authorities, and of individuals who have come into contact with them. Section 40, which relates to personal information, is one such exemption, where release of the information would be likely to breach the individuals' rights under the Data Protection Act 1998.

It must be understood that information released under the Freedom of Information Act is effectively released into the public domain or the 'wider world', and not only to the person making the request. In cases where the public request information relating to individuals, it would be extremely rare for the Authority to release such information.

In this case Kent Police neither confirms nor denies that it holds the information you have requested above. To give a statement of the reasons why neither confirming nor denying is appropriate in this specific case could in itself involve the disclosure of exempt information, therefore under Section 17(4), no explanation can be given. To the extent that Section 40(2) applies, Kent Police has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm or deny outweighs the public interest in confirming whether or not information is held.

Guidance on Applying for Personal Information from Kent Police

Information released under the Freedom of Information Act 2000 is effectively released into the public domain or the 'wider world', and not only to the applicant. Therefore it is essential when authorities consider whether to release information under the terms of the Act that they must ensure that public disclosure would not cause harm to any individual, or that the rights of other parties (under the Data Protection Act 1998) are not compromised. Consequently, in cases where members of the public request information relating to themselves or other individuals, it would be rare for an authority to release such information into the public domain under the terms of the **Freedom of Information Act 2000**.

An individual may apply for information contained in documents relating to themselves under the terms of the **Data Protection Act 1998**, and this would require that they supply proof of identity and pay a fee of ten pounds. Forms can be downloaded from the Kent Police website or the applicant can telephone the subject access office on 01622 652617 to have one sent to them. However, this would only provide that individual with information that related solely to them and any information that had any potential to impact on other parties would be redacted or removed.

In circumstances where a civil or other criminal case may arise following a dispute, or an alleged or actual offence, then a court may find it necessary to require information regarding third parties from the relevant authorities. However, supplying information to a court for the purpose of judicial proceedings is not the same as providing the information directly to a plaintiff or releasing it to the wider world. Solicitors acting for a party, or the court themselves, may apply in writing to Kent Police Legal Services for information held in crime reports and incident logs etc.

Thank you for your interest in Kent Police and I hope that the information we have been able to provide is of use to you. A sheet, which summarised your rights, was enclosed with the acknowledgement sent to you and as suggested therein, should you have any further questions concerning your request, please contact me quoting the reference number shown above.

Yours sincerely,

Laura Birchley
Freedom of Information Administrator