



Freedom of Information
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Date: 24th April 2008

Ms Jennie Bailey
Request-115-28a6868f@whatdotheyknow.com

Dear Ms Bailey

Reference No: RFI2008000151

Thank you for your request for information dated 27/03/2008 concerning Policing of the Nick Griffin and David Irving talk at the Oxford Union on 26 November 2007:

Firstly, that you release the details of the full cost of policing the event.

Secondly, that you elicit the number of police present at the event.

Thirdly, that someone was informed that police were authorised to use Section 60 of the Criminal Justice and Public Order Act 1994 (CJA) regarding concealing identity. If so, who authorised this? And why?

Fourthly, whether the council, Oxford University, or police were made aware of, or took action on, or reported, any racist incidents occurring in the city centre on the night.

In response to question 1 – No recorded information held.

In response to question 2 – I am not obliged to supply the information you have requested. Section 17 of the Freedom of Information Act 2000 requires Thames Valley Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemptions applicable to the information are:

Section 31(1)(a)(b)(c) – Law Enforcement

Section 38 (1)(a)(b) – Health and Safety

Sections 31 and 38 are prejudiced based qualified exemptions which require the prejudice (harm) to be evidenced and a public interest test to be carried out.

Thames Valley Police provides you the right to request a re-examination of your case under its review procedure. If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Harm:

Future police operations may be prejudiced if information is inappropriately disclosed into the public domain. Protestors may use this type of information to change tactics and to gauge the likelihood of detection when committing crime. This may ultimately result in safety implications for the general public and police officers, placing the well being of citizens at risk.

Public interest considerations favouring disclosure:

Accountability - when information disclosed relates directly to the efficiency and effectiveness of the force or its officers. The purpose of the Act is to make public authorities more accountable and this factor, therefore, may be applied to a wide range of scenarios from how an individual or the force fulfils their role or function, to policy decisions that have been taken in relation to investigations or general policy issues. In this case, the force may be obliged to demonstrate to the general public that they are actively involved in the prevention and detection of crime.

Public debate - where release of information would contribute to the quality and accuracy of public debate. This factor applies where the release of accurate information will inform and enhance public debate on particular subjects that may be topical. In this case the release of accurate information may inform public debate and boost levels of confidence within the community.

Public interest considerations favouring non-disclosure:

Exemption provisions - where multiple exemptions apply to a piece of information, this would favour non-disclosure. In this case, two exemptions apply. This indicates that prejudice will be caused by the disclosure and is a factor to be considered.

Interests of third parties - where third party interests might be jeopardised by release of information. In this case, operational capability may be compromised by disclosure.

Efficient and effective conduct of the service / force - where current or future law enforcement role of the force may be compromised by the release of information. In this case, information relating to the policing of the Oxford Union Debate, inappropriate disclosure may compromise the ability of the force in the future to prevent and detect crime and protect life and/or property.

Public Safety:

Protestors may use this type of information to change tactics and to gauge the likelihood of detection when committing crime. If the number of officers deployed were disclosed, it would allow those who are intent on committing crime or causing disorder to gauge the likelihood of detection or to identify and target those events with the least number of officers present. This would then have a knock on effect for the local community

Balancing Test

In this case, there are factors favouring disclosure and non-disclosure. On balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed. With respect, it cannot be in the public interest to disclose information which would prejudice the prevention or detection of crime or, which would potentially jeopardise the safety of the members of the public and police personnel carrying out their duties

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Bearing in mind that disclosure made under the Freedom of Information is disclosure into the public domain; the public interest is not what interests the public, but what will be beneficial to the community as a whole. It is not in the public interest to disclose information that may compromise the force's ability to fulfil its core function of law enforcement or to endanger the health and safety of the general public, or our officers.

It is my decision, therefore, that in this case the public interest test balance favours non-disclosure.

In accordance with the Act, this letter represents a Refusal Notice for this particular part of your request.

In response to question 3 – No recorded information held.

In response to question 4 – No recorded information held.

Please contact me quoting the above reference number if you would like to discuss this matter further and may I take this opportunity to thank you for your interest in Thames Valley Police.

Yours sincerely,

Malcolm Hopgood
Freedom of Information Officer

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