

10 December 2009

Your Ref:

Our Ref: 0802/2009

Mr Walker

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Dear Mr Walker

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0802/2009

I refer to your correspondence of 7 December 2009, requesting that Strathclyde Police review its response to your request for information concerning the publication, in November 2008, of the membership list of the British National Party and whether Strathclyde police had processed any data relating to this list.

It is my understanding that the issues you have raised are as follows:

1. The public would assume that the Police forces had obtained and reviewed a copy of the leaked BNP list as there is a policy banning BNP members from serving in the force and the list was leaked onto the Internet (via Wikileaks). Several forces have publicly disciplined workers on the basis that they were on this list. At the time Spokespersons for Forces were happy to tell the Press that they were "scouring" the list for people to discipline. Several forces have also confirmed that they hold the list for this purpose and others in response to FOI requests. We argue that claiming exemptions on the grounds you do is therefore misconceived.

2. The only criminal charge we are aware of relates to Matt Single, the person convicted under Data Protection law for leaking it. No other criminal matter relating to the list has been brought before the courts. It is difficult to understand what kind of criminal investigations might be prejudiced by answering our request, therefore.

3. We argue that it would be possible for you to disclose information in response to our request that does not relate to the areas covered by the exemptions. A blanket refusal is not a proportionate response.

4. You have failed to fully consider the public interest in disclosure. Specifically we would like the Review to consider the public interest in:-

- (a) Assisting public understanding of an issue that is subject to current national debate*
- (b) Enabling a proper debate of issues relating to Data Protection, Privacy, Freedom of Association, Freedom of Expression and misuse of Government powers to the detriment of*

individual rights. We argue that an informed debate cannot take place without wide availability of all the relevant information.

(c) Allowing individuals affected adversely in Employment information which they can refer to in order to challenge discrimination on political grounds.

(d) Allowing analysis and scrutiny of the effect and implications of a major policy decision with Human Rights implications

(e) Providing our Union sufficient information to allow us to make representations on this issue. See Case No A.31/00 relating to the enforcement of The Open Government Code of Practice on Access to Government Information enforced by the Parliamentary Ombudsman.

This is particularly important to us as we have members who are or may be directly affected in their employment.

(f) Providing our Union with information which can be used to see the practical implications of a limitation on the right of Freedom of Association. This is important as further restrictions are being considered. In fact we recently gave evidence to the Smith review (concerning Education) on this point, amongst others.

(g) Providing information which makes individuals and institutions accountable for decisions.

The review will be conducted in accordance with the Force Review Procedures and every effort will be made to have a response to you within 20 working days, however, if it becomes clear that the review will not be completed within this time you will be contacted.

Yours sincerely

Colette McFarlane
Freedom of Information Officer