



**Kent
Police**



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Date: 22 September 2011
FOI Ref: 11/08/72

Dear Mr. Martin,

Freedom Of Information Request 11/08/72

I write further to your application under the Freedom of Information Act received on 30 August in the following terms:

I am very concerned about the extent to which private information and data held by the police is being provided to private organisations, such as the RSPCA.

The RSPCA is a private organisation. Its employees are ordinary members of the public. Yet, I believe that there are constabularies which have private arrangements with the RSPCA for the provision of information to that organisation of private and sensitive information about individuals, which information might be of use to the RSPCA and its ruling Councillors in their political and other objectives.

As you may know, the RSPCA is run by a ruling Council of 26 persons. At least 18 of these people are members of, or actively support, an extreme animal rights organisation called Animal Aid. I am concerned that data concerning individuals who do not support the extreme animal rights agenda of the RSPCA and Animal Aid may be falling into the hands of those organisations, and their "partners".

I understand that the RSPCA are able to use the police radio network, called Airwave, but that requests for such things as PNC checks are sometimes handled directly by the RSPCA's Political Headquarters in Horsham. As you may be aware, the RSPCA has a close relationship with many journalists - I am concerned that any channel for information to be obtained unlawfully from the police and/or provided by the police in an unregulated manner should be closed off.

Would you therefore please provide me with data, detailing how many requests for information from the police have been received by the Constabulary from the RSPCA annually during the last five years broken down annually.

Kent Police collaborates with other prosecution agencies such as the RSPCA and shares information where necessary in accordance with the provisions of the Data Protection Act 1998. Requests for information are recorded in various ways depending on the circumstances of each case but are not collated centrally to enable retrieval according to agency. In order to locate and retrieve the specific information requested, a manual review of electronic and paper files in different locations would be required.

This would involve an expenditure of resources that would far exceed the amount that a public authority is required to invest in responding to a request, i.e. the cost of locating and retrieving the information exceeds the "appropriate level" (currently 18 hours) as stated in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

We are therefore not obliged to comply with your request by virtue of section 12(1) of the Freedom of Information Act and in accordance with section 17(5) of the Act this letter acts as a refusal notice for your request.

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

When applying the section 12 exemption, our duty to assist under section 16 of the Act would normally entail that we contact you to determine whether it is possible to refine the scope of your request to bring it within the cost limits, however, we can see no way to do this in relation to your request due to the number of records that would need to be manually reviewed.

We note your concern regarding the disclosure of information to organisations and I have therefore included below a link to an appendix contained within Kent Police Policy 'D14 Information Sharing and Disclosure'. This appendix details the circumstances under which Kent Police would share information with organisations including the RSPCA and the type of information which would be shared.

http://www.kent.police.uk/about_us/policies/d/documents/D14_Appendix_B_April_09.pdf

Private arrangements to provide personal information (the premise on which your request appears to be based) would breach data protection legislation and the Standards of Professional Behaviour contained in the Schedule to the Police (Conduct) Regulations 2008. For the avoidance of doubt, no such arrangements exist in Kent Police nor would any such arrangements be tolerated.

Thank you for your interest in Kent Police. If you have any further queries concerning your request, or the application of the Freedom of Information Act in general, please contact this office quoting the reference number shown above.

Yours sincerely,

Laura Birchley
Freedom of Information Administrator

Your right to complain

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will conduct an internal review to investigate the matter and endeavor to reply within 20 working days. If your appeal concerns the decision to apply an exemption, it would assist the review if you would outline why you believe the exemption does not apply.

You may lodge your complaint by writing to:

Freedom of Information
Kent Police Headquarters
Sutton Road,
Maidstone
Kent
ME15 9BZ

Or by e-mailing freedomofinformation@kent.pnn.police.uk

If you are still dissatisfied following our internal review, you have the right under section 50 of the Act to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Kent Police.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF