



## Freedom of Information Request 189/12

*Response date: 11<sup>th</sup> April 2012*

Under the Freedom of Information Act, will you please disclose, for the years 2005 to 2011 inclusive:

- (a) How many allegations of fraud, financial, white collar, or indeed any type of crime implicating, either directly or indirectly, a member of the legal profession have been reported to the force?
- (b) How many of these allegations were logged in police records, and assigned a crime report number?
- (c) How many of these allegations were referred to the Solicitors' Regulation Authority, Law Society, or any other regulatory body, in lieu of a police investigation?
- (d) How many were considered "civil matters"?
- (e) How many investigations did the force complete as a result of these allegations?
- (f) How many of these allegations were not investigated by the force?
- (g) How many of these investigations were completed as paid services under the private hire of the police for the performance of special services under the 1996 Police Act provision?
- (h) How many of these investigations resulted in charges being laid
  - i) under the normal course of police duties and ii) under private company hire for the performance of special services?
  - (i) How many resulted in convictions i) under the normal course of police duties and ii) under private company hire for the performance of special services?
- (j) Please detail the type of crime, the year in which the allegation was made, and the year in which the investigation was completed.
- (k) Please advise how many police staff have qualifications in forensic accounting, and what those qualifications are.
- (l) Please advise how many times private contractors have been hired by the force for the purpose of forensic accounting work during a fraud/white collar crime investigation.
- (m) How many of these allegations have culminated in charges being laid against the complainant under the Vexatious Litigants Act 1981?
- (n) How many of these allegations have resulted in arrest warrants being issued against the complainant?

### RESPONSE

Your request for information has been considered and I am not obliged to supply the information requested.

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Section 17(5) of the Freedom of Information Act 2000 requires South Wales 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.

In relation to your particular request, the following exemption applies:

### Section 12 – Exemption where cost of compliance exceeds appropriate limit.

In relation to questions b – n, this information is not easily retrievable. We were able to conduct a detailed person search on our local crime and incident recording system (Niche RMS) using the following details:-

Empl/Misc – occupation – Legal // Occ Type – Advocate, Articled Clerk, Barrister, Court employee, Court Usher, CPS Employee, Judge, Magistrates Clerk, Recorder, Sherriff, Solicitor, Stipendiary Magistrate.

Involved – Classified - Arrested, Cautioned, Charged, Final Warning, Fixed Penalty, Fixed Penalty – Fine Registered, No Further Action, Reported for Summons, Reprimanded, Subject – Crime, Suspect, Wanted on Warrant. Occurred Between – 2005 - 2011

Please note that this search depends entirely on the completion of the occupation field. This search brought back 131 results. These results do not just relate to fraud, they relate to all crime categories.

In order to answer questions b) c) d) e) f) g) h) j) l) m) and n), we would need to individually interrogate each occurrence within the individual's person record within Niche. It would take approximately fifteen minutes to gather the information in relation to one individual. Therefore we estimate that it would take approximately 32 hours to answer this part of your request.

In order to answer question i), we would need to conduct a separate check on each individual on the Police National Computer. This would take approximately four minutes per individual. Therefore we estimate that it would take between 8 and nine hours to answer this part of your request.

In order to answer question k), we would need to examine the electronic personnel record (Cyborg) for each member of staff. South Wales Police have 1774 police staff members. It would take approximately three minutes to examine each personnel record. Therefore we estimate that it would take approximately 88 hours to answer this part of your request.

To conclude, we estimate that it would take approximately 128 hours to answer your request.

It is estimated that the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

In the case of the police service, the appropriate limit is £450 which has been calculated to equate to a total of 18 hours of work.

If any part of the request exceeds the fees limit then Section 12 applies to the whole request. In accordance with the Freedom of Information Act 2000, this letter acts as a refusal notice.

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Please be advised that even if you refined your request to fall within the fees limit, in relation to all questions with the exception of k), in order to extract the information we would need to examine the offence details with the offender's records. The Data Protection Act 1998 states that:

Personal data shall be processed fairly and lawfully, and, in particular, shall not be processed unless-

- (a) at least one of the conditions in Schedule 2 is met, and
- (b) in the case of sensitive personal data at least one of the conditions in Schedule 3 is also met

Some personal data is classed as sensitive personal data. This type of data is subject to further regulations under the Data Protection Act and can only be processed under certain circumstances.

Personal data becomes sensitive if it includes any of the following types of information about an identifiable, living individual:

- racial or ethnic origin;
- political opinions;
- religious beliefs;
- trade union membership;
- physical or mental health;
- sexual life;
- **commission of offences or alleged offences.**

An organisation can only process sensitive personal data if one of the conditions in Schedule 3 of the Act is met. These conditions can be found by accessing the following link:-

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/3>

Complying with a Freedom of Information request does not fall within any of these conditions.

Therefore we have concluded that this processing would be unfair to the individuals involved and would be in breach of the Data Protection Act 1998 as we would need to process (which includes viewing) the sensitive personal data of the 131 individuals concerned.

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