



**Derbyshire Constabulary**

Mr David Edwards

Telephone: 101  
Direct Line: 0300 122 8752  
Ask For: Freedom of Information  
Our Ref: 003577/19  
Your Ref: Call Signs  
Date: 9 August 2019

Dear Mr Edwards

**FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 003577/19**

I write in connection with your request for information which was received by Derbyshire Constabulary on 16/07/2019. I note you seek access to the following information:

*I'd like to ask for callsign prefixes for the following sections; Local Policing, Roads Policing, Dog Support Unit, Firearms, Public Support Unit.*

**Result of Searches**

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

**Decision**

I have today decided not to disclose all retrieved information to you as I am claiming an exemption under S31(a)(b) - Law Enforcement; the rationale for which is shown below.

On that basis please accept this letter as formal refusal of your request.

**Refusal of Request – Section 17**

**Section 17(1)** provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant 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.”

## Section 31 (a)(b) - Law Enforcement

Information is exempt from disclosure under section 31(1)(a)(b) if its disclosure would be likely to prejudice the prevention or detection of crime or the apprehension/prosecution of offenders.

This is a prejudice based, qualified exemption which requires provision of evidence of harm and a public interest test.

### Harm Test

The Constabulary in line with every other law enforcement organisation utilises designated call signs for staff. These denote areas and functions and would allow those intent on committing crime to build up a database on a local, regional and national level. Should call signs fall into such hands it would enable opportunities to imitate/infer credibility, cause disruption to operational policing, prejudice the prevention and detection of crime and encourage criminals to try and disrupt events involving these areas. Additionally this could lead to major disruption to the force communications network thereby directly impacting on our core role.

The communities we serve place a great deal of trust in how we police and they would never condone such release due to the above.

Consequently, the release of any data relative to such assets would significantly compromise police tactics, impact on its primary objectives and allow criminals elements to take necessary action to avoid detection/arrest. Additionally, any such release would impact on the overall confidence of the communities we serve if it was felt that it allowed criminal elements to evade detection/prosecution and the crime rate, coupled with the fear of crime, to rise.

Whilst the issues around impact have been covered above a legitimate question to be asked is *“Does the request have a value or serious purpose in terms of the objective public interest in the information sought?”*. Put simply does the disclosure of the requested information in respect of public interest outweigh the potential harm that could result.

This is clearly a balancing act and the below table, extracted from an ICO’s guidance document is of some use.

Serious purpose	v	Detrimental impact on the public authority
Requester’s aims and legitimate motivation		Evidence that the requester is abusing the right of access to information
Wider public interest and objective value.		

Whilst the Constabulary is committed to the principles of the Act and will give maximum support to individuals genuinely seeking to exercise the right to know based on the above the balance for disclosure is not made. Whilst the issue may be of interest to the public it is

not in the public's interest to disclose. This is based on the assumption that a reasonable person may take when presented with the above.

## **Public Interest Test**

### **Considerations favouring disclosure**

When information disclosed relates to the effectiveness and efficiency of the Constabulary or its officers/assets it is generally of benefit to the community. In this case the release of information will enable the public to have a better understanding of the Constabulary's capabilities as well as to the efficiency and effectiveness of how they are utilised.

One of the underlying principles of the Act is the need for Authorities (Police) to be more open and transparent. In this case release of the data required would provide the community with an awareness of the Constabularies ability to fulfil its core functions of the prevention or detection of crime; the apprehension and the prosecution of offenders as well as confidence that public money is being utilised in an efficient and effective manner.

### **Considerations favouring non-disclosure**

The Constabulary has a primary responsibility to protect the public. Information if released would enable those intent on committing crime to develop a mosaic of information that could be used to impact on our ability to prevent/detect crime and compromise policing tactics. Individuals would be placed at risk and there would be a significant impact on police resources with staff having to be re-deployed accordingly whilst working on a temporary network.

Additionally, if the community became aware that criminal elements were evading detection/prosecution as a consequence the fear of crime and confidence in the service as a whole would be adversely affected.

## **Balance**

When balancing the public interest test I have to consider whether the information should be released in to the public domain, i.e. is the public interest in maintaining the exemption greater than the public interest in disclosing it.

The most persuasive reason for disclosure is transparency which needs to be compared to the strongest argument for non-disclosure which is the compromising of current and future law enforcement tactics.

A disclosure under the Freedom of Information Act is a disclosure to the public at large and not just the applicant. Consequently, the public authority, if prepared to disclose, has to be aware of this and content to release to anyone who asks subsequently. It also has to be aware that data following such release may be made public by the recipient in any medium they choose. The Tribunal in the case of *Guardian & Brooke v The Information Commissioner & the BBC* (EA/2006/0011 and EA/2006/0013) (following *Hogan and Oxford City Council v The Information Commissioner* (EA/2005/0026 and EA/2005/0030)) confirmed that, "Disclosure under FOIA is effectively an unlimited disclosure to the public as a whole,

*without conditions"* (paragraph 52):

Consequently, information released under The Act where exemptions apply will only be sanctioned where there is a tangible community benefit which is more powerful than the harm that can be done. Based on the above I am not convinced that in this case that is shown and, consequently, am of the view that this information needs to be protected and the exemption applied.

### **Right to Request a Review (Complaint)**

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea  
Freedom of Information Officer

Enc