



WEST YORKSHIRE POLICE

Information Management

Freedom Of Information

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Thursday 18 October 2012

Dear Mr Gardner,

FOI Reference No: FOI-20121/265260

I write in connection with your request received in our Office on 28 August 2012.

You requested the following information:

Please can you tell me how many complaints have you received in relation to the following based at Haworth:

- 1) Car Stoppers and/or Changegate Car Park and/or Ted Evans and/or Gareth Evans in connection to Car Stoppers and/or Changegate Car Park
- 2) How many of these complaints resulted in a recorded incident?
- 3) How many incidents resulted in further action be taken?
- 4) How many incidents resulted in a prosecution?
- 5) Ideally I would like this information for the last 10-years but would be satisfied with the last 12-months.

Further Questions

Can you tell me if the five complaint include all telephone complaints to the force, including those where the complainant was advised "That there was nothing that the police can do, it is a civil matter?"

Also, do the five complaints include the one that I made on Sunday 27 August 2012?

Please be advised that the 5 complaints referred to in your previous response were all made in writing. Freedom of Information relates specifically to recorded information. Telephone calls may not be recorded as people may have their complaint dealt with over the telephone or seek advise only therefore no record would be generated for further contact.

Additionally, you have asked for details of information held about yourself by West Yorkshire Police.

West Yorkshire Police can neither confirm nor deny that the information is held. In accordance with the Freedom of Information Act 2000, this letter represents a Refusal Notice for this particular request.

DATA PROTECTION - SUBJECT ACCESS REQUEST

Should you wish to know what information (if any) West Yorkshire Police holds about you (not anyone else), or you would like confirmation that you do, or do not have a prosecution / conviction history, you must complete a Subject Access form.

Subject Access forms are accessible via our website :

<http://www.westyorkshire.police.uk/dataprotectionsubjectaccess>

PLEASE NOTE - Payment of £10.00 and 2 forms of identification must accompany a completed application form. Once your completed application is received, the process to provide you with information can take up to 40 calendar days.

However, this should not be taken as conclusive evidence that the information you have requested exists or does not exist.

Please see Appendix A for the full legislative explanation as to why West Yorkshire Police can neither confirm nor deny whether any information is held.

Yours sincerely,

Gemma Burton
Freedom Of Information

pp Steven Harding
Head of Information Management

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Appendix A

FOI Reference No: FOI-20121/265260

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

DECISION

This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying 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 the fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

REASONS FOR DECISION

The West Yorkshire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 40(5) - Personal Information

To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve disclosure of exempt information, therefore under Section 17(4), no explanation can be given. West Yorkshire Police have determined that in all circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not the information is held.

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

COMPLAINT RIGHTS

1. Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to request that West Yorkshire Police review their decision. Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

2. Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a written complaint to have the decision internally reviewed.

A West Yorkshire Police internal review of your decision will be carried out by a senior member of staff, who is fully trained in interpreting Freedom of Information legislation, yet is independent with regards to the original decision made, i.e. has never previously been involved with your request.

Complaints will only be treated as valid if they are received by West Yorkshire Police within a 60 day timeframe from the date of the decision letter. They must include the original FOI Reference Number and can only be submitted in writing by using the following contact details:

xxx@xxxxxxxxxxxxx.xxx.police.uk

or

West Yorkshire Police
FOI Internal Reviews
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances West Yorkshire Police will aim to complete and respond to your internal review within 20 working days; however this date may be extendable in exceptional circumstances by another 20 working days.

4. The Information Commissioner

If you are still dissatisfied with the internal review decision made by West Yorkshire Police, you may then make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.gov.uk

Alternatively, you can phone their helpline or write to them at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
FOI Help Line: 0303 1231113