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09/12/2020

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 0000312/20

Thank you for your request for information regarding Chief Constables' Council Papers which has now been considered.

Applicant Question:

Please could you send me a copy of the agenda, papers and presentations for the meeting of the Chief Constables' Council that have took place on since the start of this Jan 1st year till now.

NPCC Response:

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

S14 Vexatious Requests – Section 14 – Over burdensome - the legislation:

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious**
- (2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent or identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

ICO guidance states:

69. An authority cannot claim section 12 for the cost and effort associated with considering exemptions or redacting exempt information.

70. Nonetheless, it may apply section 14(1) where it can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden on the organisation.



71. However, we consider there to be a high threshold for refusing a request on such grounds. This means that an authority is most likely to have a viable case where:

- *The requester has asked for a substantial volume of information **AND***
- *The authority has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the ICO **AND***
- *Any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.*

I can confirm that all points highlighted in point 71 of the guidance apply to the request submitted.

To elaborate further, the information you have requested relates to all documentation submitting to all Chief Constable Council Meetings of 2020.

Owing to the Covid-19 pandemic, and the issues initially surrounding IT, April Chief Constables' Council was cancelled. This meant that July's Chief Constables' Council consisted of a high volume of information. It is for this reason, that in July when I was approached for papers submitted to Chief Constables' Council, I liaised with the requestors and asked them if I could send them the Agenda and asked them to pick specific items that they were interested in as I didn't have the resources or capacity to process the request in the normal way. This was agreed and in wishing to assist you, outside of the Act, I have provided the responses to January, July and October's Chief Constables' Council.

In addition to these meetings, and owing to the challenges surrounding Chief Constables' Council, extra-ordinary Chief Constable's Councils were implemented.

I can confirm that the following Chief Constables' Council meetings took place so far in 2020:

15/16 January 2020
20 May 2020
04 June 2020
15/16 July 2020
20 September 2020
7/8 October 2020
28 October 2020

I do not have the capacity or resources available to me to retrieve and process all of the information captured by the above meetings, in addition to what I have already processed and released.

The scope of this request is vast and information has been sought from a number of locations within the NPCC. The result has been to locate and retrieve a significant volume of information, all of which would have to be read and reviewed prior to disclosure.

Furthermore, additional consultative activity would need to be undertaken to assess whether there is any harm in disclosure and whether, as such, exemptions are engaged.

I have estimated that the activity to prepare the relevant document for release, as outlined above, would take a full 12 months of my time. This does not include additional time required for the consultation in respect of the disclosure. On average, each request for papers for Chief Constable's Council take me a full 40 working days to process.

Whilst I appreciate the legitimacy of your request and the genuine public interest in the information you are seeking, pressure on resources is such that the NPCC has no choice but to apply the legislative principles embodied in s14(1) to this request. Processing this request at it stands would necessarily result in the re-diversion of resources away from other important

activities and de-prioritising all day-to-day aspects of my work. The result would be that other applicants, also with a legitimate right of access, would be penalised and the routine work of the NPCC would be interrupted and prejudiced.

As such, it is my decision that the volume of work that the NPCC would be required to undertake to ready the potential disclosure for release renders this request overly burdensome in its current format. The impact on the other day-to-day activities of the NPCC FOI process and on the on-going workload of would be significant and unacceptable.

Public authorities can - and should - cite s14(1) where the processing of a particular request would place an overwhelming burden on an organisation and result in other processes being unduly compromised. Where requests are so voluminous that they have the potential to undermine to the detriment of on-going objectives and activities, then the overly burdensome arguments around s14(1) are valid and sustainable. #

I have provided information already released under the FOI legislation as a gesture of goodwill.

Please note, however, that any information held in respect of refined request may attract the application of exemptions contained within the Freedom of Information Act.

Yours sincerely

Sherry Traquair
Freedom of Information Officer & Decision Maker

www.npcc.police.uk

COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.