



Our Ref: 001527/20

Your Ref:

Address Correspondence to: Linda Dempsey, Information Management

Date 29 May 2020

Dear S. Rhosier,

**Freedom of Information Act 2000**

I write further to your request for information received 04/05/2020.

I note you seek access to the following information:

*Leicestershire Constabulary*

*Please provide a complete list of all current police officers, to include:*

*Collar/Badge Number*

*Surname*

*Forename*

*Grade*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

**Your request for information has now been considered and the information asked for is as follows: -**

I can confirm, pursuant to s1(1)(a) of FOIA that this Force does hold the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, 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.

The exemption(s) applicable relating to your request are as follows:

- Section 31 – Law Enforcement
- Section 38 - Health and Safety
- Section 40 (2) – Personal Information

## **Reason for Decision**

You have asked for a wide range of information to be disclosed in relation to all police officers employed within Leicestershire Police.

As you have requested the information under the Freedom of Information Act 2000 consideration has to be given to the fact that the legislation is applicant blind. As a result, any disclosure has to be treated as if it was being sent to the public at large as opposed to a specific individual when considering the harm in disclosure.

I am satisfied that all of the above exemptions are engaged on this occasion and that some of the information you have requested is suitable for release under the Freedom of Information Act 2000 and some of the information is readily available on our Force website.

I will now turn to the application of these exemptions to your request in order to provide the reasoning behind my decision.

Section 31 is a prejudice based, qualified exemption and there is a requirement to articulate the harm that would be caused as well as carrying out a public interest test.

## **Public Interest Test**

The public interest is not what interests the public, but what will be of greater good if released to the community as a whole. It is not in the public interest to disclose information that may compromise Leicestershire Police's ability to fulfil its core functions. Detailed information pertaining to resources of all officers and particularly any officers who are in a covert, undercover or operationally sensitive role are exempt from disclosure by virtue of Section's 31 and 38 in relation to the safety of those officers in undercover roles and do not become public knowledge.

With regard to all other officers in the force, [ICO guidance](#) provides information on the reasonable expectations of the individual concerning personal information being disclosed. It states:

*"It is reasonable to expect that you disclose more information about senior public authority employees than more junior ones. Senior employees should expect their posts to carry a greater level of accountability, since they are likely to be responsible for major policy decisions and the expenditure of public funds. For example, a junior employee who is not accountable for their submissions to a senior government minister has no expectation that their name will be disclosed in response to an FOI request. Decision notice [FERO409841](#) upholds this stance.*

*However, the terms 'senior' and 'junior' are relative. It is not possible to set an absolute level across the public sector below which personal information is not released. It is always necessary to consider the nature of the information and the responsibilities of the employee in question.*

*It may also be fair to release more information about employees who are not senior managers but who represent your organisation to the outside world, as a spokesperson or at meetings with other bodies. This implies that the employee has some responsibility for explaining the policies or actions of Leicestershire Police. However, it does not apply simply because an employee deals with enquiries from the public or sends out material produced by others."*

Leicestershire Police believe that officers at the rank of Chief Inspector or above would reasonably expect to have information disclosed. I therefore feel it is reasonable to disclose full names, collar numbers and ranks for overt officers within the force in and above the rank of Chief Inspector.

### **Section 31 – Evidence of Harm**

Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate.

However, in disclosing information to one applicant, we are expressing a willingness to provide it to anyone in the world. This means that a disclosure to a genuinely interested and concerned person automatically opens it up for a similar disclosure, including those who would use the information to gain an advantage over the police.

In considering whether or not this information should be disclosed, consideration has been given to the potential harm that could be caused by disclosure.

Effective policing requires the active participation of a wide number of officers and roles in order for it to be successful.

If a disclosure was made under the Act that provided information relating to all officers, any officers who are in a covert, undercover or operationally sensitive role would be exempt from disclosure by virtue of Section 31 & Section 38 in relation to the safety of those officers in undercover roles.

To release this information into the public domain would therefore clearly impact on our law enforcement capabilities.

### **Section 31 – Considerations favouring disclosure**

There is a public interest in disclosure of the requested information as it would allow the public to discuss the total number of officers employed within Leicestershire Police and would therefore raise the Force's accountability. It would also aid transparency and allow any failings to be discussed in the public domain.

### **Section 31 – Considerations favouring non - disclosure**

I am of the opinion that it is not in the public interest to disclose sensitive information that relates to total number of officers employed within this Force. If this was released into the public domain, it would allow those likeminded to commit crime to be aware of our establishment figures. It would, therefore, give them an added advantage should they wish to significantly weaken our law enforcement capabilities.

### **Application of Section 38 – Health and Safety**

I now turn to the application of Section 38 to your request. This exemption states that the information is applied where disclosure of information would, or would be likely to endanger:

- The physical or mental health of any individual ;

- Or the safety of an individual

This exemption is both a qualified and prejudiced based exemption and as a result I am required to evidence both the harm that disclosure would cause as well as evidencing the public interest test.

#### Harm in disclosure

Any Leicestershire Police officers who are in a covert, undercover or operationally sensitive role are exempt from disclosure by virtue of Sections 31 & 38 in relation to the safety of those officers in these types of roles.

The information that you have requested, would if released, be placed in the public domain for anyone to view. The nature of the information you have requested in relation to every officer in Leicestershire Police, their rank, first and last names and grades makes it imperative that we consider the safety and well-being of the individuals affected.

There is a real risk that if all the information that you requested was released, it would cause physical and/or mental harm to the families of officers, especially in covert and sensitive operational roles as well as any other members of the public who had a close connection to them.

#### Factors favouring disclosure

It could be argued that there is a public interest in its disclosure as it would allow the establishment figures to be discussed in a public forum.

#### Factors favouring non-disclosure

To disclose the information requested would cause unnecessary suffering and is personal and sensitive information to the officers to be discussed in the public domain. Although the fundamental role of the Freedom of Information Act 2000 is to facilitate disclosure, the interests of the affected parties will always be of paramount importance especially with regards to the effect disclosure would have on their physical and mental health.

On this occasion I am satisfied that harm would occur and it would not be in the affected officer's interest, or the public's interest for disclosure of all the information to occur on this occasion.

### **Application of Section 40 – Personal Information**

#### **Section 40 (2) states the following**

**- (2) Any information to which a request for information relates is exempt information if;**

(a) it constitutes personal data

and

(3)(a) the disclosure of such information to a member of the public would contravene (i) any of the data protection principles.

This exemption applies because the right given under the Act to request official information held by public authorities does not apply to personal data. This

exemption is an absolute exemption and as a result I am not obliged to consider the harm which disclosure would cause or to conduct a public interest test.

To disclose the information that you have requested would identify individuals to whom the information relates. Disclosure would therefore breach the first Data Protection Principle, namely that information must be processed lawfully and fairly.

Section 40 exemption refers to officers of lower ranks than Chief Inspector not already published in the public domain.

A Section 21 exemption is relevant to all officers of lower rank already named in the public domain and all of our ACPO Senior Officers. The information is published on our Force website at the following link

<https://www.leics.police.uk/>

### Conclusion

I believe that on balance it is **not** in the public interest to release all the information which you have requested on this occasion for the reasons stated above. I appreciate that this is not the decision you had hoped for but I must consider the wider position under the Freedom of Information Act 2000 which I feel necessitates the need to refuse your request under this legislation.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

*Linda Dempsey*

Linda Dempsey  
Freedom of Information Officer  
Leicestershire Police

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