

Data Protection Office

Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB

Tel: 01772 413203 / 412144

Email: FOI@lancashire.police.uk



Arthur Coulter

Sent via email to: request-730654-85041a73@whatdotheyknow.com

Date: 22 March 2021

Dear Mr Coulter

FREEDOM OF INFORMATION APPLICATION REFERENCE NO: DPO/FOI/000623/21

Thank you for your request for information received by Lancashire Constabulary on 22/02/2021 which was as follows:

Please provide the number of police officers currently trained to the response/standard of emergency driving. Additionally, please specify the number of officers within their probationary period that are trained to response/standard level and whether this level of driving training is available to officers within their probationary period.

If possible, please include a copy of the driving policy.

Please also provide the number of officers trained in Taser across the force, and the number of those in their probationary period (if none, whether there are plans to extend Taser training to probationary officers).

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact; b) specifies the exemptions in question and c) state (if that would not otherwise be apparent) why the exemption(s) applies.

Your request has now been considered and the information you are seeking is held and can be found below:

Please provide the number of police officers currently trained to the response/standard of emergency driving. Additionally, please specify the number of officers within their probationary period that are trained to response/standard level and whether this level of driving training is available to officers within their probationary period.

- Number of Police Officers currently trained to the Response standard of Emergency Driving – **1,665**
- Number of Police Officers currently trained to the Response standard within their probationary period – **144**
- This level of driving training is available to officers within their probationary period.

If possible, please include a copy of the driving policy.

Please see the attached document titled 'R – FOI 623-21 – For Sending', however please be advised that the documents are currently under review.

Some of the information contained within the documents was felt to be exempt by virtue of the following exemptions:

- **Section 31(1)(a)(b) – Law Enforcement**
- **Section 40(2) – Personal Information**

We have redacted the documents (names of individuals removed) where the information contained within was deemed to be exempt by virtue of Section 31(1)(a)(b) or Section 40(2) the reasoning for which is outlined below:

Third party personal information is exempt from disclosure under s.40(2) of the FOI Act if it would contravene the principle set out at Article 5(1) (a) of the General Data Protection Regulation; that personal data should be processed fairly, lawfully and in a transparent manner, and/ or Section 35(1) of the Data Protection Act 2018; that processing for any of the law enforcement purposes must be lawful and fair.

Section 40 is an absolute class based exemption subsequently there is no requirement to apply the public interest test or evidence the harm in disclosure. However, we have considered if disclosure would be lawful and fair, taking into account the type of data requested i.e. special category / criminal offence / children's data, what the lawful basis for a disclosure to the world could be i.e. consent or legitimate interests, as well as the privacy rights and the reasonable expectations of the individuals concerned.

Section 31 is a qualified and prejudice based exemption and there is therefore a requirement to articulate the harm that would be caused in disclosure as well as carrying out a public interest test. Details of these considerations can be found below.

Evidence of Harm

It must be remembered that any disclosure under the Freedom of Information Act must be treated as a disclosure to the world rather than to a particular applicant. Whilst not questioning the motives of the applicant, disclosing specific and detailed information could inform criminals of specific policing activities, tactics or actions which could be used by those engaged in criminal activity to disrupt the prevention and detection of crime. This would therefore be likely to compromise current or future investigations which in turn would hinder the prevention and detection of crime and the apprehension or prosecution of offenders. It may also suggest (whether correctly or not) the limitations of the police capabilities in this area which may enable criminals in carrying out offences.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large. The UK police service has a positive undertaking to protect the public from harm and that duty of care to all involved must be the overriding consideration.

It should be remembered that any information disclosed under the Freedom of information Act is considered as a disclosure 'to the world'. With this in mind, releasing contact numbers to the world could result in cold calling or disruption. This would therefore hinder the effectiveness of the department when trying to fulfil their duties.

Factors Favouring Disclosure

The police force is funded by the public and so there is a clear duty for the force to be open and transparent. In the interests of transparency disclosing this information would provide an insight into the Police Service. In addition, it would allow for a greater understanding as to where force funds are being spent which would enable improved public debate.

Whilst there is not much public interest in releasing a contact number for the fleet department, disclosure would demonstrate openness and transparency, which may aid public confidence.

Factors Favouring Non-Disclosure

The police service has a responsibility to ensure it has the resources in place to deliver effective law enforcement ensuring that the prevention and detection of crime, apprehension or prosecution of

offenders, and administration of justice is carried out appropriately. To disclose further details relative to the request would reveal operational capability and operational activity. The disclosure of detailed information could enable those involved in committing offences to alter their habits or plans to evade detection. This would impact on police resources, leading to more crime being committed and members of the public being placed at risk. In addition, disclosure of this information could prejudice investigations and any possible future proceedings. It would therefore undermine Lancashire Constabulary's efforts to prevent and detect crime and the apprehension and prosecution of offenders.

As referenced, disclosure of contact numbers has the potential to result in disruption to the department concerned which would divert important resources from a key role in the support of the infrastructure and security of the Constabulary. This would have a negative impact on the effectiveness of law enforcement.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The Police Service will never divulge information if to do so would compromise the policing purpose in the effective delivery of law enforcement. We are of the opinion that the public confidence gained by releasing the requested information is outweighed when balanced with the potential impact it could have on law enforcement. Therefore, on this occasion it is not felt that the case for disclosure of this information is made out.

This letter serves to act as a refusal notice for these parts of the document, as per S.17 (1) of the Act.

Please also provide the number of officers trained in Taser across the force, and the number of those in their probationary period (if none, whether there are plans to extend Taser training to probationary officers).

- 517 Officers Trained
- None are probationary Officers
- No plans currently for it to be rolled out to Probationary Officers.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to the Data Protection Officer, Data Protection Office, Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB or alternatively send an email to FOI@lancashire.police.uk. Details of the Constabulary's Freedom of Information Complaint Procedures can be found attached to this email.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted via the following link:

<https://ico.org.uk/global/contact-us/> or by telephone on 0303 123 1113.

The Information Commissioner's Office request that you do not contact them by post during the Coronavirus pandemic as their offices are closed.

Yours sincerely

Information Access Team

Data Protection Office