



Our Ref: 1117.2017-18
Your Ref:
Date: 06 February 2018

Civil Disclosure
Joint Corporate Legal Services

Dilip Patel <request-458345-3f65eb99@whatdotheyknow.com>

Dear Mr Patel,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 1117.2017-18

I write in connection with your request for information which was received by North Yorkshire Police on 19 January 2018. I note you seek access to the following information:

Please could I request the following information regarding all marked vehicles within your fleet;

- The Vehicle Make & Model
- The Registration Number
- The Role of the Vehicle (i.e. Dog Unit/Patrol/Traffic Unit)
- Station it is based at

Extent and Result of Searches to Locate Information

To locate the information relevant to your request searches were conducted within North Yorkshire Police.

I can confirm that the information you have requested is held by North Yorkshire Police.

Decision

I have today decided to disclose the located information to you.

Please see the enclosed table which lists all North Yorkshire Police marked vehicles by; registration, make, model, operator and Base Station with the exclusion of any details of vehicles used in a specialist capacity.

The provision of any details in relation to specialist NYP vehicles is exempt from disclosure pursuant to section 31(1)(a) Law Enforcement.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Jane Wintermeyer BSc (Hons) Force Solicitor & Head of Legal Services
Police Headquarters | Alverton Court | Crosby Road | Northallerton | North Yorkshire | DL6 1BF
DX No 68810 NORTHALLERTON 2 | Telephone 01609 643542 | Fax 01609 789987

Non-emergency
Number



Section 31 – Law Enforcement

Section 31 is a prejudice-based qualified exemption and there is a requirement to articulate the harm as well as carrying out a public interest test.

Evidence of Harm

As you may be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, releasing any information held regarding the number of specialist vehicles such as Armed Response Vehicles, it would allow criminals to note what capacity and tactical capabilities the force had, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. This would lead to an increase in harm of attacks and compromise Law Enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government have published the threat level, based upon current intelligence.

Releasing this type of information would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's resources, enabling them to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies.

Information that undermines the operational integrity of the police will adversely affect public safety and have a negative impact on both national security and law enforcement.

Factors favouring disclosure under Section 31

Releasing information held relating to the numbers of specialist vehicles would provide an insight into the police resources and enable the public to have a better understanding of the effectiveness of the police.

It would show how public funds are being spent in relation to protecting the public.

Information would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to tackle/assist in fighting crime.

Factors against disclosure under Section 31

It has been recorded that FOIA releases are monitored by criminals and terrorists and so releasing information held regarding the numbers of specialist vehicles would undermine and compromise law enforcement and it would also hinder any local, regional or national operations.

It can be argued that there are significant risks associated with providing information in relation to any aspects that can assist criminal planning and that any nation's security arrangements, by releasing the information, may reveal the relative vulnerability of what we may be trying to protect.

The Police Service would not wish to reveal what resources they may or may not have, as this would undermine the law enforcement operations and would impact on police resources, as more crime would be committed because criminals/terrorists would know which forces had less/more capability. This in turn would place the public at a greater risk and a fear of crime would be realised, especially for more vulnerable areas.

Balance test

The security of the country is of paramount importance and the Police service will not divulge the operational resources, if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing resources and providing assurance that the police service is appropriately prepared and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police resources and operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. It is our opinion that for these issues the balancing test for exempting your request for planning information is not made out.

Pursuant to Section 17(1) of the Act this letter acts as a Refusal Notice in response to your request.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Complaint Rights

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

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Caroline Williams
Legal Officer (Civil Disclosure)
Joint Corporate Legal Services

COMPLAINT RIGHTS

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

You have the right to require the North Yorkshire Police to 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.

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.

Complaint

If you are dissatisfied with the handling procedures or the decision of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

In all possible circumstances the North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with North Yorkshire Police if you are still dissatisfied with the decision you may make 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 <https://ico.org.uk> Alternatively, phone: 0303 123 1113 or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF