



**Derbyshire Constabulary**

Mr Aron Guy

Telephone: 101  
Direct Line: 0300 122 8752  
Ask For: Freedom of Information  
Our Ref: 001121/17  
Your Ref: Government Data  
Date: 17 May 2017

Dear Mr Guy

**FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 001121/17**

I write in connection with your request for information which was received by Derbyshire Constabulary on 18/04/2017. I note you seek access to the following information:

*The information I'm requesting is for listed departments below to which i would like; The name of role, FTE and pay grade of the employees in each department (Inc. Officers, Civilians and PCSO's).*

1. *Neighbourhood Policing  
Incident (Response) Management  
Specialist Community Liaison  
Local Command Team*
2. *Front Desk  
Central Communications Unit  
Dealing with the Public Command Team*
3. *Custody  
Police doctors/nurses & surgeons  
Other custody  
Criminal Justice  
Police National Computer  
Criminal Record Bureau (now called Disclosure and Barring Service (DBS)) Coroner  
Assistance Fixed Penalty Schemes (Central Ticket Office) Property Officer / Stores  
Criminal Justice Arrangements Command Team*
4. *Traffic Units  
Traffic wardens / Police Community Support Officers - Traffic Vehicle Recovery Casualty  
Reduction Partnership Road policing Command Team*
5. *Operational Support Team  
Air Operations  
Mounted Police  
Specialist Terrain  
Dogs Section*

*Advanced Public Order  
Airport & Ports Policing Unit  
Firearms Unit  
Civil Contingencies and Planning  
Events*

6. *Intelligence Command Team  
Intelligence Analysis / Threat Assessments Intelligence Gathering*
7. *Investigations Command Team  
Major Investigation Unit  
Economic Crime (including Regional Asset Recovery Team) Specialist Investigation  
Units Serious & Organised Crime Unit Public Protection (included CSE and Domestic  
Abuse) Local Investigation/Prisoner Processing Cyber Crime*
8. *Scenes of Crime Officers  
External Forensic  
Fingerprint  
Photographic Image Recovery  
Other Forensic Services  
Investigative Support Command Team*
9. *Counter Terrorism / Special Branch  
ACPO Projects / Initiatives  
Hosting National Services  
Other National Policing Requirements*
10. *Human Resources  
Finance  
Legal Services  
Fleet Services  
Estates / Central Building  
Information Communication Technology  
Professional Standards  
Press and Media  
Performance Review / Corporate Development Procurement Training Administration  
Support Force Command Support to Associations and Trade Unions Social Club Support  
and Force band Insurance / Risk Management Catering Other*

## **Result of Searches**

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

## Decision

I have today decided not to disclose all of the located information to you as I am claiming exemptions under Section 31(a)(b) - Law Enforcement in respect of the role title/staff numbers for certain posts; the rationale for which is shown below.

On that basis please accept this letter as formal refusal of your request.

That said please see the attached spreadsheet for details of the staff numbers that I am prepared to release at this time.

## Refusal of Request – Section 17

**Section 17(1)** provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or 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 that fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.”

**Section 31** is a prejudiced based qualified exemption and there is a requirement for us to evidence harm confirming or denying information is held and also consider the public interest.

## Harm

The Chief Constable is required to utilise staff as he sees fit in order to effectively police the communities of Derbyshire in order to prevent or detect crime and apprehend or prosecute offenders. Within the Constabulary there are certain posts that are deemed, by the very nature of work conducted, as ‘sensitive’. As such to identify staff numbers within these posts would allow those intent on committing offences to determine areas of strengths/weaknesses and take appropriate action to exploit them, thereby posing a significant threat to the communities of Derbyshire.

Policing is ever more intelligence led and the Constabulary places great value on the help and support of its communities in policing effectively. For the Constabulary to release information that would undermine its key roles would significantly damage the confidence of those communities and place individuals at risk.

## Public Interest Test

## Considerations favouring disclosure

When information disclosed relates to the effectiveness and efficiency of the Constabulary or its officers it is generally of benefit to the community. In this case the release of information

will enable the public to have a better understanding of the Constabulary's capabilities as well as to the efficiency and effectiveness of how they are utilised in critical areas.

One of the underlying principles of the Act is the need for Authorities (Police) to be more open and transparent. In this case release of the data required would provide the community with an awareness of the Constabularies ability to fulfil its core functions of the prevention or detection of crime; the apprehension and the prosecution of offenders as well as confidence that public money is being utilised in an efficient and effective manner.

### **Considerations favouring non-disclosure**

The Constabulary has certain roles that by default are deemed as 'sensitive'. Their effectiveness and numbers are based on intelligence and effective risk/threat assessment of situations as they emerge and develop. To disclose numbers would provide an insight in to how we police such areas and demonstrate to those intent on committing/facilitating crime areas of strength and perceived weakness.

Additionally if the community became aware that criminal elements were utilising information provided by the Constabulary to evade detection/prosecution and cause harm the fear of crime and confidence in the service as a whole would be adversely affected.

### **Balance Test**

When balancing the public interest test I have to consider whether the information should be released in to the public domain, i.e. is the public interest in maintaining the exemption greater than the public interest in disclosing it.

The most persuasive reason for disclosure is transparency which needs to be compared to the strongest argument for non-disclosure which is the compromising of current and future law enforcement tactics.

A disclosure under the Freedom of Information Act is a disclosure to the public at large and not just the applicant. Consequently the public authority, if prepared to disclose, has to be aware of this and content to release to anyone who asks subsequently. It also has to be aware that data following such release may be made public by the recipient in any medium they choose. The Tribunal in the case of *Guardian & Brooke v The Information Commissioner & the BBC* (EA/2006/0011 and EA/2006/0013) (following *Hogan and Oxford City Council v The Information Commissioner* (EA/2005/0026 and EA/2005/0030)) confirmed that, "*Disclosure under FOIA is effectively an unlimited disclosure to the public as a whole, without conditions*" (paragraph 52):

Consequently information released under The Act where exemptions apply will only be sanctioned where there is a tangible community benefit which is more powerful than the harm that can be done. Based on the above I am not convinced that in this case that is shown and, consequently, am of the view that this information needs to be protected and the exemption applied.

In addition the Constabulary neither confirms nor denies that it holds any other information relevant to the request by virtue of the following exemptions:

**Section 30(3)**  
**Section 31(3)**

**Section 30** is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying that information exists is the appropriate response.

**Section 31** is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or nor that the information is held as well as carrying out a public interest test.

**Harm in complying with Section 1(1)(a) – to confirm or not whether information is held**

Disclosing information which details whether or not what number of staff is allocated to certain roles would allow those intent on committing/facilitating crime to better understand the Constabulary's strengths in certain areas and, by implication, potential weaknesses that could be exploited. Additionally such disclosure may highlight areas of mutual cooperation with external bodies entrusted with law enforcement functions.

Whilst such disclosure may, on a local level, not prove significant, albeit harmful, data from other forces when compiled would allow for a national picture to be built up providing significant intelligence to individuals/organisations. Policing is ever more intelligence led and the cooperation of such partners and the public is valued highly in enabling the Constabulary to perform its core roles. The confirmation/denial of specifics would do nothing to strengthen this and have a detrimental effect on law enforcement and the public confidence in our services. Ultimately this could lead to real harm to individuals.

**Section 30(3) Investigations**

**Factors favouring complying with Section 1(1)(a) – confirming information is held**

Confirming or denying that any information exists, and irrespective of what other information may or may not be held, would lead to a better informed public and demonstrate that the Constabulary takes its responsibilities seriously and is an active partner in law enforcement on a local and national level.

Confirmation or denial would highlight where police resources are being targeted and the public are entitled to know how public funds are spent, particularly in the current economic climate.

**Factors against complying with Section 1(1)(a) – neither confirming nor denying that information is held**

Confirmation or denial of what information is held would hinder law enforcement tactics on a local and national level placing individuals at risk as well as preventing/hindering the detection of crime. Damage would be caused to current law enforcement partnerships which would impact on police resources as staff would have to be moved to counter any developing issues.

## **Section 31 Law Enforcement**

### **Factors favouring complying with Section 1(1)(a) – confirming information is held**

Confirmation or denial of existing staff numbers in given posts would lead to a better informed public which may encourage individuals to provide intelligence relating to offences which could assist the investigative process.

### **Factors against complying with Section 1(1)(a) – neither confirming nor denying that information is held**

Confirmation or denial that any other information is held in this case would suggest that the Constabulary take their responsibility to protect the safety of individuals seriously. It could also adversely affect public safety if those intent on facilitating/committing crime were provided with detail of the Constabulary's tactical abilities.

Such confirmation or denial would impact on the Constabulary's law enforcement tactics and impact on our ability to prevent or detect crime.

### **Balance Test**

A core function of the Police Service is public protection both at a local and national level. Such duties are undertaken via intelligence received and sharing with appropriate partners to combat any such threats. Consequently any release that may impact on this capability/collaboration and the prevention/detection of crime is a step that the general public would not expect and one that the Constabulary would sanction.

A disclosure under the Freedom of Information Act is a disclosure to the public at large and not just the applicant. Consequently the public authority, if prepared to disclose, has to be aware of this and content to release to anyone who asks subsequently. It also has to be aware that data following such release may be made public by the recipient in any medium they choose. The Tribunal in the case of *Guardian & Brooke v The Information Commissioner & the BBC* (EA/2006/0011 and EA/2006/0013) (following *Hogan and Oxford City Council v The Information Commissioner* (EA/2005/0026 and EA/2005/0030)) confirmed that, "*Disclosure under FOIA is effectively an unlimited disclosure to the public as a whole, without conditions*" (paragraph 52).

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information that may or may not be held for the recent data is not made out.

No inference can be taken from this refusal that information does or does not exist.

### **Right to Request a Review (Complaint)**

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

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea  
Freedom of Information Officer

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