



Our Ref: 740.2017-18  
Your Ref:  
Date: 29 November 2017

Civil Disclosure  
Joint Corporate Legal Services

Alex Beard <request-438335-3624c9b1@whatdotheyknow.com>

Dear Mr Beard,

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: 740.2017-18**

I write in connection with your request for information which was received by North Yorkshire Police on 12 October 2017. Please accept our apologies for the delay in providing you with a response. I note you seek access to the following information:

- *The numbers of officers from the Harrogate district who were part of operations at Kirby Misperton.*
- *I would like this information up to the most recent set of dates broken over months and years.*
- *I would like an additional breakdown of the time officers were there for.*

**Extent of Searches to Locate Information**

Following receipt of your request searches were conducted within North Yorkshire Police to locate relevant information.

**Decision**

I have decided not to provide you with a response pursuant to **Section 31 – Law Enforcement and Section 22 - Information Intended for Future Publication**.

**Exemption Explanation**

Section 17 of the Act requires North Yorkshire Police, 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.

**Section 31(1)(a)(b)(c) – Law Enforcement** is a qualified and prejudice-based exemption, meaning that I must evidence the harm in disclosure as well as consider the public interest.

***Harm in Disclosure – Section 31***

The operations at Kirby Misperton are high profile and the Police Service has a positive duty to protect the public from harm and the duty of care to all involved.

To reveal specific details relating to the number of officers deployed from command areas would reveal tactical information on police activities. This information would be beneficial to those who wish to cause disruption as they would have knowledge as to the number of officers deployed.

In addition criminals may see it as an opportunity to undertake more criminal activity in the command areas based on the resourcing of officers whilst operations at Kirby Misperton continue.

### ***Public Interest for Section 31***

#### ***Factors favouring disclosure***

There is a public interest in the community being made aware of the resources being provided to Kirby Misperton.

#### ***Factors favouring non-disclosure***

To disclose specific number in relation to officer deployments, it would release tactical details which could be used by individuals to create more disruption and therefore placing a need for additional resourcing.

#### ***Balancing Test***

Whilst there is public interest in the disclosure of information, namely that the public would feel better informed as to the performance of North Yorkshire Police in managing the operations at Kirby Misperton, there is also substantial public interest in maintaining any tactical operations relating to the deployment of officers.

### ***Section 22 – Information Intended for Future Publication***

North Yorkshire Police intend to publish relevant resource allocation (i.e. the number of officers deployed) following the completion of the local shale gas testing and drilling activities. Information is exempt pursuant to Section 22 if, at the time when the public authority receives a request for it; the public authority holds the requested information; the public authority intends the information to be published at some future date, whether that date is determined or not; and in all the circumstances it is reasonable to withhold the information until its planned publication.

Section 22 is a qualified class based exemption, which means that consideration must be given to the public interest in disclosure or non-disclosure of the information, but there is no requirement to demonstrate any harm that may occur in the event of the information being disclosed. It is recognised that it must be reasonable in all the circumstances to withhold the information until the date of publication.

#### ***Factors favouring Disclosure***

Disclosure now would allow immediate access to information.

#### ***Factors favouring Non-Disclosure***

Publishing any additional information now may not provide everything requested.

Collating information now on information which is already planned to be released at a later date would be wasteful in terms of time due to the duplication of work.

#### ***Balancing Test***

A decision has already been taken to publish relevant resource allocations prior to the request being received. This process is in accordance with a planned publication strategy. Requesting earlier disclosure of the already accessible information would duplicate workload. There is public interest in

the information being disclosed in its entirety, as and when requested following local shale gas testing and drilling activities. Therefore it is my decision to withhold the information at this time.

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