



David Bosman  
Sent via email: [request-553816-5cfd3b82@whatdotheyknow.com](mailto:request-553816-5cfd3b82@whatdotheyknow.com)

**Our Ref:** ICDS/ 001260/19(IR)  
**Date:** 21<sup>st</sup> May 2019

Dear Mr Bosman,

**FREEDOM OF INFORMATION APPLICATION REFERENCE ICDS/00705/19**

I write with reference to your complaint regarding your recent Freedom of Information request, our reference 705/19.

I note that you requested the following information:

*'I would like if possible an updated vehicle fleet list for both marked and unmarked vehicles. This includes all specialist vehicles. I do not require Number Plates but I do require the location of where the vehicles are based and what division they belong to. I am a emergency vehicle enthusiast.'*

We received this initial request on 19 February 2019. We provided a substantive response on 2nd April 2019 which unfortunately was just outside of the 20 working day legislative deadline. As such we did not meet our obligations under Section 10 of the Act; please accept my apologies on behalf of the Constabulary for this.

In our initial response we provided with you with some information and the rest of the information requested which related to the 'base and division at which the vehicles belonged to' was found exempt by the virtue of the following exemption:

- **Section 31(1)(a)(b) Law Enforcement.**

Section 31 is a qualified and prejudice based exemption which means there is a requirement to identify and evidence the harm that would be caused by disclosure as well as considering the public interest, both of which are evidenced 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. To reveal details of unmarked/covert vehicles would make offenders aware of the vehicle details. They could then use this information to identify specific vehicles and take evasive action to avoid detection which would negatively impact our ability to prevent and detect crime and as a result crime could escalate. Disclosure could also demonstrate our operational capacity and lead to specific units being targeted in addition to revealing tactical resources available to the force.

Disclosure of the base and geographical division of marked vehicles could allow those intent on criminal behaviour to map our vehicle resources which would undermine law enforcement. What might be considered by some as harmless information released under the FOIA, when incorporated with other available information can be analysed to create a detailed intelligence picture, which can then be used by those engaged in criminal activity to disrupt the prevention and detection of crime.

### **Public Interest Test**

#### **Factors favouring disclosure**

The public are entitled to know how resources are distributed within an area of policing. Release of unmarked vehicles would inform the public that Lancashire Constabulary has an appropriate level of fleet resources. Release of the vehicle base would inform the public that fleet resources are distributed appropriately within Lancashire Constabulary. This would provide transparency with regard to the use of public funds in as much as the funds are being used correctly and appropriately ensuring each division within the force is resourced adequately to enable them the prevention and detection of crime.

#### **Factors against 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. The disclosure of detailed fleet resourcing information could enable those involved in committing offences to alter their habits or plans to evade detection. Disclosure of this information may prejudice police activities; this obviously increases the risk of crime being committed. A disclosure which compromises police resources could affect the force's overall ability to prevent and detect crime. The release of this particular information would provide a tactical advantage to offenders which would negatively impact on public safety and undermine the policing purpose.

It is a reasonable assumption that a police station will have a number of vehicles based at the location which may reflect the area covered, however to reveal specific figures could demonstrate to the criminal fraternity the operational capacity of areas. The disclosure of detailed resourcing information could enable those involved in committing offences to alter their habits or plans to evade detection. Disclosure of this information may prejudice police activities and not only has the potential to reveal what resources are available for a given area, but also potentially reveal details of a discreet location; this obviously increases the risk of crime being committed.

Disclosing the details of covert vehicles would provide sufficient information to those involved in criminal activity of the capabilities available to the force when carrying out covert activities in certain areas. Any ability to identify a vehicle's presence at (or absence from) a

particular location may be useful to those intent on criminal activity. This could result in them taking steps to evade detection and to destroy evidence if they believe that their movements are being monitored. This could also lead to vehicles and officers being identified which would render their covert capabilities useless.

### **Balancing Test**

Whilst there is a public interest in the transparency of policing, it must be remembered that the police service's ability to deliver effective law enforcement is of paramount importance. When considering the points against disclosure, we feel at this moment in time, to disclose information regarding where vehicles are based and the divisions they belong to as well as unmarked vehicles would inevitably have a negative impact on the operational delivery of effective law enforcement.

The internal review panel has now met and reviewed your request along with the original disclosure and I regret to inform you that the decision to exempt the information requested by virtue of Section 31(1)(a)(b) therefore the decision has been upheld. This is a qualified based exemption and as such it has been necessary to consider both the harm which would be caused by the disclosure and the public interest factors both for and against the disclosure. Details can be found above.

This letter serves to act as a further refusal notice for your request, as per Section 17 (1) of the Act for the reasons previously stated.

If you are not content with the outcome of your FOIA complaint, you may write to the Information Commissioner. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Please quote our reference in all future correspondence.

Yours sincerely

*Data Protection Team*

Data Protection Compliance Team