



**WEST YORKSHIRE
POLICE**

Information Management

Freedom Of Information

PO BOX 9
Laburnum Road
Wakefield
WF1 3QP

Tel: 01924 296006

Fax: 01924 292726

Email: foi@westyorkshire.pnn.police.uk

Website: www.westyorkshire.police.uk

Our ref: 0339/19

Date: 20/03/2019

Dear S Hudson

Thank you for your request for information received by West Yorkshire Police on 16/01/19.

You requested the following information:

Please could you provide the minutes of Scrutiny Panels and IAGs for the past 3 years covering districts / divisions and any that are force wide or department specific.

I was thinking Hate Crime Scrutiny Panels, although I believe these diversified recently so not sure what they are formally know as? If Out of Court Disposal Scrutiny Panels could be included please, that would be good.

The Out of Court Disposal Scrutiny Panel is chaired by the Office of the Police and Crime Commissioner and supported by the West Yorkshire Local Criminal Justice Board. There are no minutes collated of these panels. There is a public summary of the meetings placed upon the Police and Crime Commissioners website.

<http://westyorkshire-pcc.gov.uk/our-business/out-of-court-disposals/public-summaries-from-panel-meetings.aspx>

Unfortunately, West Yorkshire Police is unable to provide you with Scrutiny Panels and IAG meeting minutes as this information is exempt by virtue of the following exemptions:

Section 30(1) – Investigations and proceedings conducted by the Public Authority

Section 31(1) – Law Enforcement

Section 40(2) – Personal Information

Please see Appendix A for the full legislative explanation.

COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided, please read the advice notice attached to this letter. If you do wish to take up your right of complaint, please remember to quote the reference number above, in any future correspondence.

Yours sincerely,

Gemma Burton
Disclosure Officer

Appendix A

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities, to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain. Information is granted to one person under the Act, it is then considered public information and must be communicated to any individual, should a request be received.

DECISION

Your request for information has been considered and I regret to inform you that West Yorkshire Police cannot comply. This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying 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 the fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.

REASONS FOR DECISION

West Yorkshire Police is unable to provide you with all of the information requested by virtue of the following exemptions:

Section 30(1) – Investigations and proceedings conducted by the Public Authority

Section 31(1) – Law Enforcement

Section 40(2) – Personal Information

Section 30(1) – Investigations and proceedings conducted by the Public Authority

In relation to the above qualified exemption I am obliged to conduct a public interest test on the information held.

Factors favouring disclosure

Greater transparency, in the form of disclosure of the requested information would promote public confidence in the relevant investigative processes.

Factors favouring non-disclosure

Disclosure under Freedom of Information is disclosure to 'the world' not just the person making the request. The information requested relates to meeting minutes which include details of specific investigations. If we were to disclose these details it has the potential to jeopardise investigations and would also suggest that West Yorkshire Police take their responsibility to appropriately handle and manage information flippantly and dismissively.

This would significantly reduce public confidence and deter individuals from reporting incidents.

Section 31(1) Law Enforcement

This is a qualified and prejudice-based exemption and there is a requirement to provide evidence of harm and a public interest test, below I lay out my considerations.

Harm

The information requested contains operational tactics and law enforcement actions relating to specific investigations. To disclose this information would cause harm to the Police service's ability to protect the public it serves and could prejudice its ability to perform the core function of the prevention and detection of crime.

Factors favouring disclosure

Disclosure of the information would demonstrate openness and transparency and provide reassurance to the general public that the police service is appropriately and effectively investigating crime.

Factors favouring non-disclosure

West Yorkshire Police would not reveal tactics which may be used or intelligence gathering techniques as this would clearly undermine the law enforcement and investigative process. Disclosure would be detrimental to the police service as it would educate criminals resulting in crime being more targeted and frequent. This would have an impact on Police resources and place individuals at risk.

Balancing Test:

In conclusion I consider the factors favouring non-disclosure outweigh the factor favouring disclosure and as such I will not be disclosing the information. Although the factors favouring disclosure and the need for members of the public to see how crime is dealt with is important, I consider that when weighed against the risk of jeopardising investigations and undermining our future ability to prevent and detect crime, the factors favouring non-disclosure take precedence.

Section 40(2) – Personal Information

Section 40(2) is an absolute and class based exemption and so requires no harm or public interest test to be undertaken.

To disclose the redacted information would breach principle 1 (lawfulness, fairness and transparency) of the Data Protection Act 2018.

COMPLAINT RIGHTS

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

You have the right to request that West Yorkshire Police review their decision. Prior to lodging a formal complaint, you are encouraged to discuss the decision with the case officer that dealt with your request.

2. 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, explaining any issues.

3. Complaint

If you are dissatisfied with the handling procedures or the decision made by West Yorkshire Police under the Freedom of Information Act 2000, you can lodge a written complaint to have the decision internally reviewed.

A West Yorkshire Police internal review of your decision will be carried out by a senior member of staff, who is fully trained in interpreting Freedom of Information legislation, yet is independent with regards to the original decision made.

Complaints will only be treated as valid, if they are received by West Yorkshire Police within a 60 day timeframe from the date of the decision letter. They must include the original FOI Reference Number and can only be submitted in writing by using the following contact details:

foi@westyorkshire.pnn.police.uk

or

West Yorkshire Police
FOI Internal Reviews
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances West Yorkshire Police will aim to complete and respond to your internal review within 20 working days. However this date may be extended in exceptional circumstances, by another 20 working days.

4. The Information Commissioner

If you are still dissatisfied with the internal review decision made by West Yorkshire Police, you may then make an 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 www.ico.gov.uk

Alternatively, you can phone their helpline or write to them at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
FOI Help Line: 0303 1231113