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17/10/2018

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 155/18

Thank you for your request for information regarding Brexit which has now been considered.

Applicant Question:

I wish to see full copy of the hard/no deal Brexit preparation report mentioned in this report below:

<https://news.sky.com/story/police-plan-for-civil-unrest-after-no-deal-brex-it-11493685>

NPCC Response:

Following the dissolution of the Association of Police Chief Officers (ACPO), designation under the Freedom of Information Act did not automatically transfer across to the National Police Chiefs' Council (NPCC). The NPCC, as the new coordinating body, should clearly be open to the same level of scrutiny and transparency as its predecessor and it is anticipated that an Order to bring the NPCC under the auspices of FOIA will be forthcoming. This is currently the responsibility of the Cabinet Office and the NPCC is supporting the Cabinet Office in bringing forward the Order.

In the meantime, the NPCC will comply with the spirit of the Freedom of Information Act and will respond to all requests received as if it were still subject to FOIA. Applicants should note, however, that until the formal designation is in place and the legislation is amended to include the NPCC, the Internal Review process will remain in place but there is no legal basis to pursue complaints to the Information Commissioner's Office.

The NPCC would have responded in the following way:

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption, to provide you with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice for those aspects of your request.

The NPCC neither confirms nor denies whether any information is held relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

- S24(2) National Security
- S31(3) Law Enforcement
- S27(4) International Relations



S24 National Security – the legislation:

(2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required for the purpose of safeguarding national security.

S31 Law Enforcement – the legislation:

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

S27 International Relations – the legislation:

(4) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a)-

(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1), or

(b) would involve the disclosure of any information (whether or not already recorded) which is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court.

There is a very strong public interest in the most effective pursuance of the United Kingdom's (UK) national interests abroad, and I have had to consider whether the confirmation or denial would be likely to prejudice the Government's negotiating position. This in turn would prejudice the UK's relations with other States, and European Institutions, and would prejudice the UK's interests abroad.

The UK's exit from the EU is an incredibly complex and evolving situation. Assumptions cannot be made about what the European Commission / Individual member States and other third countries know about the UK economy, our economic or other interests such as National Security and Law Enforcement, and our potential negotiating positions across the full range of issues government will be discussing with them.

HMG does not comment on alleged leaks. It is therefore of vital importance that any information released, if held, referenced in an alleged 'leaked' report, would confirm whether the information had or had not been leaked and undermine the NCND stance adopted by Government stakeholders and hinder the relationship between them and the NPCC.

Yours sincerely

Sherry Traquair
Freedom of Information Officer & Decision Maker

www.npcc.police.uk

COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.