



HAMPSHIRE CONSTABULARY

Joint Information Management Unit
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Hampshire Police Monitoring Group
request-555488-
ecf8043d@whatdotheyknow.com

18 March 2019

Our ref: CM/PA/000542/19
Your ref:

Dear Hampshire Police Monitoring Group

FREEDOM OF INFORMATION REQUEST

I write in response to the above referenced Freedom of Information request submitted on the 25/02/2019, Hampshire Constabulary has now considered this request, which has been repeated below and have responded accordingly.

Request	Response
<p>We have received information that a number of officers working at Basingstoke have been suspended as a result of a covert operation concerning conduct in the investigation department. These appear to be serious matters concerning hate crime and of public interest</p> <ol style="list-style-type: none"> 1. Please confirm how many officers and police staff have been suspended? 2. How many police officers or staff were under investigation? 3. What was the name of the operation? 4. The rank or grade of all those subject of this investigation. 5. The outcome of the investigation into each officer/member of staff. 	<p>Information relating to your request is available at the below links;</p> <p>https://www.bbc.co.uk/news/uk-england-hampshire-47355468</p> <p>https://news.sky.com/story/hampshire-police-suspends-officers-over-inappropriate-and-prejudiced-behaviour-claims-11647797</p> <p>Hampshire Constabulary have engaged the following exemptions with regard to this request:</p> <p>Section 40 Personal Information</p> <p>Section 30 Investigations and Proceedings Conducted by Public Authorities</p> <p>Please see below.</p>



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S40 Personal Information

S40(2) applies to third party personal data. This would not be released under the Freedom of Information Act where any release would breach the data protection principles contained within the Data Protection Act (2018). In this case, s40(2) has been applied together with the condition in section 40(3)(a)(i). This is because any disclosure of the redacted information would breach the first data protection principle, fair and lawful processing. This is an absolute exemption and there is no requirement to apply public interest test.

S30 Investigations and proceedings conducted by public authorities

S30(1)(a) relates to investigations in general terms and covers information that has been held by a public authority at any time in relation to a specific investigation, criminal or otherwise.

As a class-based and qualified exemption, I am required to apply the public interest test in relation to this exemption. However, since section 30 is class-based, legislators have already accepted that there may be harm in the disclosure of information contained within the class of investigations. As such, I am not required to evidence the harm.

Public Interest Test

Factors favouring disclosure	Factors favouring non-disclosure
Use of public funds	An investigation could be prejudiced

Balance Test

On balance, if disclosed, there would be the likelihood that current investigations undertaken would be compromised. It cannot be justified that the public's interest would be served in releasing this information, if these investigations were to be compromised in any way.

After weighing up the competing interests, I have determined that the disclosure of the information would not be in the public interest. I consider that the benefit that would result from the information being disclosed, does not outweigh disclosing this information.

COMPLAINT RIGHTS

If you are dissatisfied with the handling procedures or the decision made by Hampshire Constabulary, you can lodge a complaint with the force to have the decision reviewed within 2 months of the date of this response. Complaints should be made in writing to the Public Access office at the address at the top of this letter.

If, after lodging a complaint with Hampshire Constabulary, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, via telephone on 0303 123 1113 or 01625 545745 or at the website www.ico.org.uk



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Yours sincerely

Sarah Carr
Public Access Manager
Joint Information Management Unit



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