



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: 04397/18

Date: 09/10/2018

Dear Mr Wilby

Thank you for your request for information, received by West Yorkshire Police on 11/09/18.

You requested the following information:

Operation Lapmoor

1. Name of Gold Commander, or names of Gold Group.
2. Name of Senior Investigating Officer.
3. Dates upon which they were appointed.
4. Date operational codename requested.
5. Date police operation commenced, concluded.
6. Policy book, or log. Sometimes known as Blue or Gold book.
 - a. Date of first entry
 - b. Date of final entry
 - c. Number of actions
7. Number of officers deployed on the operation.

West Yorkshire Police can neither confirm nor deny whether Operation Lapmoor exists, as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of Section 30(3) Investigations and proceedings conducted by the public authority, Section 31(3) Law Enforcement and Section 40(5) Personal Information.

However, this should not be taken as conclusive evidence that the information you have requested exists or does not exist.

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 FOI 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. These exemptions 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, so that is accessible if 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

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), giving 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

The West Yorkshire Police Service can neither confirm nor deny whether Operation Lapmoor exists as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 30(3) Investigations and proceedings conducted by the public authority
Section 31(3) Law Enforcement
Section 40(5) Personal Information

Section 30 is a class based qualified exemption. There is a requirement to consider the public interest to ensure neither confirming, nor denying, any other information is held is appropriate.

Section 31 is a prejudice based qualified exemption and there is a requirement to evidence the prejudice (harm) in disclosure and to consider the public interest to ensure neither confirming nor denying that any other information is held is appropriate.

Section 40 is a class based absolute exemption and there is no requirement to consider the public interest in this case. To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve disclosure of exempt information, therefore under Section 17(4), no explanation can be given. West Yorkshire Police have determined that in all circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not the information is held.

Harm for neither confirming nor denying that any information is held

Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. To confirm or deny that Operation Lapmoor exists would be inappropriate. It would reveal the focus and detail of investigative activity, exposing sensitive operational information if held, and thereby undermining public trust in the core policing function of law enforcement.

Factors favouring confirmation or denial for Section 31

Confirming or denying whether Operation Lapmoor exists would show the public where funds are being spent. Better public awareness may reduce crime or lead to more information from the public as they would be more observant in reporting suspicious activity and it would assist them in taking steps to protect themselves and their families.

Factors against confirmation or denial for Section 31

To confirm or deny whether this specific operation exists would be inappropriate as it would reveal the focus of investigative activity. West Yorkshire Police relies on information being supplied by the public. Irrespective of what information is or isn't held, by applying substantive exemptions would indicate that information is held. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder law enforcement and the prevention or detection of crime.

Factors favouring confirmation or denial for Section 30

Confirming or denying whether this specific operation exists may encourage individuals to provide intelligence in order to assist with investigations and would also promote public trust in providing transparency and demonstrating openness and accountability into where the police focus their investigations. The public are also entitled to know how public funds are spent, particularly in the current economic climate.

Factors against confirmation or denial for Section 30

Confirming or denying whether Operation Lapmoor exists would disclose what facts may or may not exist in relation to investigations. If doing so would harm an investigation, then it would not be in the public interest to do so. To confirm or deny that this specific Operation exists could potentially risk identifying specific incidents, witnesses and victims, placing public safety at risk and undermining confidence in the Force and its duty of confidentiality.

Balance test

The Police Service is charged with enforcing the law and preventing and detecting crime. Irrespective of whether information is or isn't held, the ability to deliver effective law enforcement is of paramount importance. Confirming or denying (by citing an exemption or stating no information held) would undoubtedly compromise both investigate processes and the delivery of law enforcement, which, as highlighted, constitutes the core function of the police service. I am satisfied that the balance of public interest lies in maintaining the exclusion of the duty to confirm nor deny whether information is or is not held by West Yorkshire Police.

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

COMPLAINT RIGHTS

1. Are you unhappy with how your request has been handled or 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, we encouraged that you discuss the decision with the case officer that has 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, explain any issues and assist with any problems.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police, made under the Freedom of Information Act 2000 regarding access to information, 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. The review will be independent conducted, regardless 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 can 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