



Thames Valley Police
Chief Constable Francis Habgood QPM

Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

Edward Williams

Telephone: 101
Direct dial: 01865 542051
Email: publicaccess@thamesvalley.pnn.police.uk

Our ref: HQ/PA/001630/18

24 July 2018

Dear Edward Williams,

I write in response to the above-referenced Freedom of Information Act (FOIA) request submitted on 23 May 2018, validated by the Information Commissioner's Office on 23 July 2018. Thames Valley Police has now considered this request, which for clarity, has been repeated below:

<u>Request</u>	<u>Response</u>
I would like all records held relating to allegations of misconduct of any kind by PC Crossland. I am not asking for records which are subject to LPP.	<p>Thames Valley Police can neither confirm nor deny that it holds the information you requested, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000, does not apply, by virtue of the following exemptions:</p> <p>Section 40(5)(a)(b) Personal Information and Section 30(3) Investigations & Proceedings.</p> <p>Please see below for further explanation.</p>

Section 40(5)(a)(b) Personal Information

Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual. To confirm or deny whether personal information exists in response to your request could publicly reveal information about an individual or individuals, thereby breaching the right to privacy afforded to persons under the Data Protection Act 2018.



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When confirming or denying that information is held would breach an individual's rights under the Data Protection Act 2018, Section 40(5) becomes an absolute exemption, and there is no requirement for me to provide evidence of the prejudice that would occur, or to conduct a public interest test.

Where personal information is requested under FOI that relates specifically to the applicant or a third party, anything other than a neither confirm nor deny response would inadvertently disclose personal information. The request for information of a named officer and information on any potential allegations of misconduct would not be confirmed or denied, as to do so would breach an officer's rights, as well as any third party that may be involved.

This letter should not be taken as confirmation that we do or do not hold the information you have requested.

Section 30(3): Investigations & Proceedings

Factors favouring complying with Section 1(1)(a) confirming that information is held

Confirming or denying that information exists relevant to this request would lead to a better informed public.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

By its very nature, information held relating to specific misconduct cases is sensitive in nature. Under the FOIA, there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to Thames Valley Police's responsibilities to complainants and/or serving officers. Thames Valley Police takes advantage of its ability, under FOIA legislation, to, where appropriate, neither confirm nor deny that the information requested, is or is not held. The police service will never disclose information under FOIA which could identify specific misconduct activity and therefore, undermine their past, present and future internal investigations or proceedings. To do so would hinder its ability to perform this function internally and bring officers to account.

Balancing test

Thames Valley Police can neither confirm nor deny that it holds information with regards to this request. Any confirmation or denial that information were or were not held may jeopardise future investigative measures or any associated legal case or proceedings. Although we recognise a general benefit in confirmation or denial in the importance of transparency, overall we do not consider it appropriate to confirm or deny that information is or is not held, if to do so may impact on any internal investigation or proceedings.



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Complaint Rights

If you are dissatisfied with the handling procedures or the decision made by Thames Valley Police, you can lodge a complaint with the force to have the decision reviewed within two months of the date of this response. Complaints should be made in writing to the FOI inbox; publicaccess@thamesvalley.pnn.police.uk.

If, after lodging a complaint with Thames Valley Police, 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.

Yours sincerely

Claire Baldwin
Public Access
Joint Information Management Unit