



# WEST YORKSHIRE POLICE

## *Information Management*

### **Freedom Of Information**

PO BOX 9  
Laburnum Road  
Wakefield  
WF1 3QP

Tel: 01924 292 719/353/960  
Fax: 01924 292 726  
Email: [foi@westyorkshire.pnn.police.uk](mailto:foi@westyorkshire.pnn.police.uk)  
Website: [www.westyorkshire.police.uk](http://www.westyorkshire.police.uk)  
Tuesday 31 July 2012

Dear Mr Willis

**FOI Reference No: FOI-20121/262760**

Thank you for your request for information received by West Yorkshire Police on 31 July 2012.

You requested the following information:

On the 29/1/2012 in Bramley, Leeds, PCSO 6298 made a threat that she had the power to confiscate the camera that a member of the public was using to record the officers actions. She then continued to insist that the member of public stop filming her.

As this officer has no such power to make such a confiscation, nor demand that she not be filmed, this can be regarded as an unlawful attempt by one of your PCSOs to needlessly harass and bully a member of the public into compliance. One of numerous instances that occur daily in the UK.

The entire event can be seen on Youtube here:-

[www.youtube.com/watch?NR=1&feature=endscreen&v=\\_sX2afvThhQ](http://www.youtube.com/watch?NR=1&feature=endscreen&v=_sX2afvThhQ)

My question to you, is could you please tell me if PCSO 6298 and or any of the officers who assisted her unlawful threats have been disciplined in regards to this incident.

Although the police would accept such a video as evidence to be submitted against a member of public for prosecution, the IPCC claim that members of the public cannot use the same type of video evidence to complain about the police.

Therefore as I am precluded from complaining to your Professional Standards Department about the actions of this officer, I am obligated to use Freedom of Information to 'enquire' instead.

West Yorkshire Police can neither confirm nor deny that we hold the information you have requested. However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

Please see Appendix A for the full legislative explanation as to why West Yorkshire Police can neither confirm nor deny whether any information is held.

The Professional Standards Department (PSD) is responsible for the recording and assessment of all public complaints, whether they are made about Police Officers, Police Staff or Special Constables. A complaint has to be about the conduct of a person serving with the police, and not relate to matters of policy and procedure.

The following website contains details about how you can contact the professional Standards department in order to make a complaint and what information you will need to provide in order for the complaint to be processed.

<http://www.westyorkshire.police.uk/about-us/department-profiles/professionalstandards>

## 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

Julia Jones  
Freedom Of Information

pp Steven Harding  
Head of Information Management

The West Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, West Yorkshire Police Headquarters, PO Box 9, Laburnum Road, Wakefield WF1 3QP.

## **Appendix A**

**Our ref: FOI-20121/262760**

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, that is, once access to 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**

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**

The West Yorkshire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

#### **Section 40(5) Personal Information**

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.

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

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## COMPLAINT RIGHTS

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### 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 welcome and 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, 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, yet is independent with regards to the original decision made, i.e. has never previously been involved with your request.

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:

xxx@xxxxxxxxxxxxx.xxx.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 extendable 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](http://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