



## Information Management

### Freedom Of Information

PO BOX 9  
Laburnum Road  
Wakefield  
WF1 3QP

Tel: 01924 296006

Fax: 01924 292726

Email: [foi@westyorkshire.pnn.police.uk](mailto:foi@westyorkshire.pnn.police.uk)

Website: [www.westyorkshire.police.uk](http://www.westyorkshire.police.uk)

Our ref: FOI 693657

Date: 6 May 2021

Dear B. Smith

Thank you for your request for information received by West Yorkshire Police on 20 April 2021.

You requested the following information:

Question 1,

I would like you to show me where Covid Regulations/Restrictions/Guidelines are within Law or Legislation.

Question 2,

How can you enforce something that is not in law or legislation?

Unfortunately West Yorkshire Police is unable to provide you with a copy of the requested information, as this information is exempt by virtue of **Section 21 - Information Reasonably Accessible to the Applicant by other means**. Please see Appendix A for the full legislative explanation as to why West Yorkshire Police are unable to provide the information.

### 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,

Alix Whitfield  
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 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. 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

Your request for information has been considered and I regret to inform you that West Yorkshire Police cannot comply. 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 reason that we are unable to provide you with this information is covered by the following Exemption:

#### **Section 21 - Information Reasonably Accessible by other means.**

Coronavirus guidance and regulations are two separate things. The information sought is already available in the public domain through the following links:

<https://www.legislation.gov.uk/coronavirus>

<https://www.gov.uk/guidance/covid-19-coronavirus-restrictions-what-you-can-and-cannot-do>

In relation to powers of arrest in circumstances where a name cannot be ascertained, this power forms part of the general arrest conditions as set out within the Police and Criminal Evidence Act (PACE). Power of arrest is included within guidance to maintain public health or to maintain public order

The necessity test under Section 24 PACE has been temporarily amended by the Health Protection Regulations to include:

- to maintain public health;
- to maintain public order.

Usual applications of Section 24 PACE still apply and officers' attention is specifically drawn to the necessity to arrest in relation to ascertaining name and address and to protect a child or other vulnerable person from the person in question. In this context, this aspect is linked to the spread of infection. Officers may also wish to determine if breach of the peace powers apply.

Further information can be found via the following link;

<https://www.legislation.gov.uk/ukpga/1984/60/section/24>

Please note that police forces do not use generic systems or identical procedures for capturing The requested data. For these reasons this response to your questions should not be used for comparison purposes, with responses you may receive from other police forces.

## COMPLAINT RIGHTS

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 independently conducted, regardless of 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](mailto: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.

### **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](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