

Our Ref: 802.2016-17

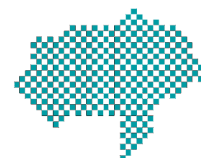
Your Ref:

Date: 29 November 2016

Kevin Stainton,
request-371095-00f6169d@whatdotheyknow.com



Police and Crime
Commissioner
North Yorkshire



Joint Corporate Legal Services

Dear Mr Stainton,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 802.2016-17

I write in connection with your request for information which was received by North Yorkshire Police on 15 November 2016. I note you seek access to the following information:

- 1) *How many staff currently employed by North Yorkshire Police have a criminal record?*
- 2) *How many serving officers have a criminal record?*
- 3) *How many serving officers have resigned to avoid misconduct allegations?*
- 4) *What are the convictions for.*
- 5) *What is the highest ranking officer to hold a criminal conviction?*

Extent of Searches to Locate Information

Following receipt of your request searches were conducted within North Yorkshire Police to locate relevant information.

Decision

I am not obliged to provide you with a response to your request pursuant to Section 12(1) of the Freedom of Information Act 2000 (the Act). Please note that when one part of your request falls under Section 12, we are not obliged to review the rest of the questions and the whole request is therefore exempt.

Section 12(1) applies to your request as the cost of complying with your request is above the amount to which we are legally required to respond i.e. the cost of identifying and retrieving any relevant information exceeds the 'appropriate level' as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

Due to the nature of our recording systems the information requested, if held, is not in an easily retrievable format. Prior to the current Association of Chief Police Officers (ACPO) National Vetting Policy, Home Office guidance in recruiting allowed for case by case discretion to be applied when recruiting and a number of persons were recruited who have criminal convictions. Those convictions are held in the individual's personal file within our Human Resources Directorate. In order to extract the information requested we would need to manually search through and assess hundreds of personal files of police staff who commenced their employment with North Yorkshire Police prior to August 2010.

Furthermore, for individuals who have been vetted, there are thousands of records on our Vetting database that present a PNC trace, which is likely to represent a caution or conviction being held on that record. However, these traces do not relate solely to current North Yorkshire Police employee's and may include individuals who failed the vetting process, ex-employees, contractors or even associates of vetting applicants etc. In order to determine what the PNC trace relates to and whether or not the record belongs to a current employee. This process would take in excess of the 18 hours which exceeds the appropriate time/ cost limit allowed under the Act.

Pursuant to Section 17(5) of the Freedom of Information Act this letter acts as a Refusal Notice.

Pursuant to Section 16 of the Act I am required to offer you advice and assistance with regards to refining your request to within the 'appropriate limit' (time/cost limit). You may wish to refine your request by withdrawing question 1. If you wish to discuss this please do not hesitate to contact me.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Complaint Rights

Your attention is drawn to the attached sheet which details your right of complaint.

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Caroline Williams
Legal Officer (Civil Disclosure)
Joint Corporate Legal Services
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COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require the North Yorkshire Police to 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.

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.

Complaint

If you are dissatisfied with the handling procedures or the decision of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Newby Wiske Hall
Northallerton
North Yorkshire
DL7 9HA

In all possible circumstances the North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with the North Yorkshire Police if you are still dissatisfied with the decision you may make 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.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Phone: 01625 545 700