

**Data Protection Office**

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Ronay Crompton

Sent via email to: [request-692472-cdb184f8@whatdotheyknow.com](mailto:request-692472-cdb184f8@whatdotheyknow.com)

Date: 13 October 2020

Dear Ronay Crompton

**FREEDOM OF INFORMATION APPLICATION REFERENCE NO: DPO/FOI/003147/20**

Thank you for your request for information received by Lancashire Constabulary on 20/09/2020 which was as follows:

**Request 1**

*The location of all reported sightings of Charlene Downes between Winter gardens to Blackpool Tower on the 3rd nov 2003*

**Request 2-**

*The location of all reported sightings of Charlene Downes between the North Pier and Bus station via A586 on the 3rd of November 2003*

**Request 3**

*The location of all reported sightings of Charlene Downes between Blackpool Bus station and Church Street via Cookson Street on the 3rd November of 2003*

**Request 4**

*The location of all reported sightings of Charlene Downes between Seed Street carpark to Bus station, on the 3rd of November 2003.*

**Request 5**

*The location of all reported sightings of Charlene Downes between Church Street carpark to Winter Gardens via Adelaide Street, On the 3rd of November of 2003*

**Request 6**

*The location of all reported sightings of Charlene Downes between Blackpool Tower and the North Pier, on the 3rd of November of 2003.*

**Request 7**

*The location of all reported sightings of Charlene Downes between Buchanan Street and Talbot Road, on the 3rd November of 2003*

**Request 8**

*The location of all reported sightings of Charlene Downes between Dickson Road to Talbot Road on the 3rd November of 2003*

**Request 9**

*The location of all reported sightings of Charlene Downes between George Street to Cookson Street, on the 3rd of November of 2003.*

**Request 10**

*The location of all reported sightings of Charlene Downes between Caunce Street and Devonshire Road, on the 3rd November of 2003.*

**Further email Request 11**

*If it helps I could narrow down things down and request sightings between certain time's (Example between 5pm - 12am) I am hoping we can find a solution that work's better for us both.*

*I'm looking for a last of sightings of Charlene Downes on the 3rd of November 2003 in and around Blackpool. I am aware you have around 140 sightings on record.*

*I thought by breaking down the areas would be easier to get information on the sightings.*

*I have two further requests under freedom of information request I hope you can help me with.*

*Please could you supply me with a copy of the E-Fit of a suspect linked to Charlene's disappearance.*

*Blackpool police circulated the E-Fit of a person of interest, to the public .The image was taken from CCTV on the North Pier at 11pm on the 3rd November 2003.*

*Please could you supply me with the details of the location of the CCTV cameras from which Lancashire constabulary pulled footage in relation to the investigation into the missing person Charlene Downes.*

*Please could you list the location of each camera and indicate whether or not footage was obtained?*

#### **Request 12**

*Please could you supply me with the details of the location of the CCTV cameras from which Lancashire constabulary pulled footage in relation to the investigation into the missing person Charlene Downes.*

*Please could you list the location of each camera and indicate whether or not footage was obtained?*

#### **Request 13**

*Please could you supply me with a copy of any E-Fits of suspects, released to the public, during the Charlene Downes investigation*

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact; b) specifies the exemptions in question and c) state (if that would not otherwise be apparent) why the exemption(s) applies.

Your request has now been considered and some of the information you are seeking can be found below:

#### **Request 12**

Footage has been obtained from CCTV cameras on Bank Hey Street.

Lancashire Constabulary can neither confirm nor deny that it holds any further information in relation to your request by virtue of the following listed exemptions:

- **Section 30(3) – Investigations and Proceedings Conducted by Public Authorities**
- **Section 31(3) – Law Enforcement**

Section 30(3) is a class based exemption and consideration must be given as to whether there is a

public interest in neither confirming nor denying further information exists is the appropriate response.

Sections 31(3) is a qualified exemption and as such there is a requirement to articulate the harm and conduct a test of the public interest in confirmation or denial.

### **Evidence of Harm**

It must be remembered what might be considered by some as harmless information released under the Freedom Of Information Act, when incorporated with other available information can be analysed to create a detailed intelligence picture. Confirmation or denial that any further information is held would reveal potential investigative activity which would compromise the prevention or detection of crime and the apprehension or prosecution of offenders. Whilst there is a public interest in transparency of policing allowing assurances to be provided that the police service is appropriately and effectively investigating crime, there is a very strong public interest in safeguarding the integrity of police investigations.

### **Public Interest Considerations**

#### **Factors favouring confirmation or denial for Section 30**

Confirming or denying whether further information relevant to this request exists would lead to a better informed general public and would promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigation. This awareness may encourage individuals to provide further intelligence in order to assist with investigations and reduce crime. 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**

It must be remembered that any information disclosed under the Freedom of information Act is considered as a disclosure 'to the world'. Modern-day Policing is intelligence led and by confirming or denying that any further information relevant to this request exists could suggest Lancashire Constabulary take their responsibility to appropriately handle and manage intelligence supplied to them flippantly.

Whilst there is a public interest in the transparency of policing operations and providing assurance that Lancashire Constabulary is appropriately and effectively investigating crime, there is a strong public interest in safeguarding the integrity of police investigations and operations and in maintaining confidence in the Police Service. Confirmation or denial that any further information is held relevant to the request would undermine the investigative process and compromise the integrity of any operations.

Lancashire Constabulary would never divulge information in relation to an ongoing investigation if to do so could undermine the investigative or legal process.

#### **Factors favouring confirmation or denial for Section 31**

By confirming or denying whether any further information is held in respect of this request would allow the public to see where public funds are being spent. Better public awareness may lead to more information being received from the public. It would also allow the Police Service to appear more open and transparent.

#### **Factors against confirmation or denial for Section 31**

To confirm or deny if further information is held would undermine current or future investigations and evidence gathering may be compromised. This in turn would compromise the effective delivery of operational law enforcement and prejudice the prevention and detection of crime. To disclose facts about current investigations which would undermine the investigative process, prosecutions and/or aid offenders is not in the public interest.

## **Balancing Test**

The points above highlight the merits of confirming, or denying, whether any further information pertinent to this request exists. The police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The police service will never divulge whether or not further information pertinent to this request does or does not exist, if to do so would compromise an investigation or undermine the policing purpose in the effective delivery of operational law enforcement.

Whilst there is a public interest in the transparency of policing operations and investigations, providing reassurance that the police service is appropriately and effectively acting on the information received for investigations, there is a very strong public interest in safeguarding the integrity of police investigations. Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that further information is held is not made out. This letter serves to act as a Refusal Notice for this part of the request, as per Section 17 (1) of the Act.

None of the above can be viewed as an inference that further information does or does not exist.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to the Data Protection Officer, Data Protection Office, Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB or alternatively send an email to [FOI@lancashire.pnn.police.uk](mailto:FOI@lancashire.pnn.police.uk). Details of the Constabulary's Freedom of Information Complaint Procedures can be found attached to this email.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted via the following link:

<https://ico.org.uk/global/contact-us/> or by telephone on 0303 123 1113.

The Information Commissioner's Office request that you do not contact them by post during the Coronavirus pandemic as their offices are closed.

Yours sincerely

*Information Access Team*

Data Protection Office