



**Date:** 12/01/2017

**Our Reference:** IR-2016-0011

(Via email: [request-373592-bd1094ee@whatdotheyknow.com](mailto:request-373592-bd1094ee@whatdotheyknow.com))

Dear Mr James,

**RE: Request for internal review under the Freedom of Information Act 2000 Request**

I write in response to your request for an internal review under Freedom of Information Act 2000 (or 'FoIA 2000'). I note from your request that you seek the following information:

*'In your training literature; 'Public order/Core principles and legislation', with particular reference to Article 10 of ECHR - the right to freedom of expression, you state, that it is a qualified right, meaning that lawful restrictions may be imposed on this right, providing any such restriction; is imposed in accordance with the law, has one or more legitimate aims, and is necessary and proportionate.*

*If such restrictions are to be enforceable, they must be clearly comprehended by the public who have been granted the right of freedom of expression.*

*As a matter of public interest under the Freedom of Information Act 2000, please provide or direct me to the following recorded information:*

*The specific law (under English Common Law) which could restrict or curtail a given right in this instance.*

*The lawful definition of proportionate in this instance, and how such judgements are made recorded and enforced.*

*What is considered 'reasonable' in the context of a restriction of this right.*

*In making this request, I seek no legal opinion, only facts of Common Law, which is of supreme public interest where there is a serious risk of an individuals rights being violated.'*

Your request for internal review states:

*'Please pass this on to the person who conducts Freedom of Information reviews.*

*I am writing to request an internal review of College of Policing Limited's handling of my FOI request 'The Right to Freedom of Expression'.*

*You are applying a wilfull misinterpretation of the request in a scurrilous attempt to avoid answering it.*

*A full history of my FOI request and all correspondence is available on the Internet at this address:  
[https://www.whatdotheyknow.com/request/the\\_right\\_to\\_freedom\\_of\\_expressi](https://www.whatdotheyknow.com/request/the_right_to_freedom_of_expressi)*

## **Decision**

I have carefully reviewed this matter and evaluated the information with the relevant Police Standards Manager and Subject Matter Expert.

In line with the Freedom of Information Act 2000 the College of Policing is only able to provide recorded information that it holds. In this instance the College does not hold the relevant information that specifically answers your questions. The information you seek, is acknowledged only in broad terms in the relevant APP. The guidance can be found through the Colleges Public Order APP:

<http://www.app.college.police.uk/app-content/public-order/core-principles-and-legislation/police-use-of-force/#general-principles>

You may find that the CPS guidance on human rights to be useful:

[http://www.cps.gov.uk/legal/h\\_to\\_k/human\\_rights\\_and\\_criminal\\_prosecutions\\_general\\_principles/](http://www.cps.gov.uk/legal/h_to_k/human_rights_and_criminal_prosecutions_general_principles/)

Alternatively, I would recommend the 'Blackstones Guide to the Human Rights Act 1998' book for further information.

Yours sincerely,

**James Rose | Legal Advisor**  
**Ethics, Integrity and Public Interest Unit**  
**College of Policing**

Email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

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

**Annex A: Complaint rights**

## **Annex A**

### **Complaint Rights**

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the College of Policing to have the decision reviewed.

Complaints should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: FOI@college.pnn.police.uk

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

### **The Information Commissioner**

If, after lodging a complaint with the College of Policing 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 <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

### **Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**

**Phone: +44 (0)1625 545 700**