

c/o PO BOX 481  
Fareham  
Hampshire  
PO14 9FS

Tel: 02380 478922

Email: [npcc.foi.request@cru.pnn.police.uk](mailto:npcc.foi.request@cru.pnn.police.uk)

23/04/2019

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 062/19**

Thank you for your request for information regarding Tracker Commercial Car Location Service Agreement which has now been considered.

**Applicant Question:**

I read on the 'tracker' web site that there is a formal agreement between the NPCC and this Commercial organisation.

A) Agreement with 'Tracker' organisation: Can you please send me a copy of said agreement

B) Resourcing Implications : At a point in time when resourcing and priorities is, rightly, under the microscope ( for example with regard to roads policing poor performance in delivering safe streets for active travel when compared to near EU neighbours ) it would be interesting to know the resource implications for the police in maintaining liaison with the this organisation whether nationally/Locally and what resource levels are then prioritised for 'chasing up' reports from the 'Tracker' hot line, at whatever level this is information currently available. Can you please provide latest/best estimates.

**NPCC Response:**

Following the dissolution of the Association of Chief Police Officers (ACPO), which included some national policing units, designation under the Freedom of Information Act did not automatically transfer across to the National Police Chiefs' Council (NPCC).

On 22/11/2018 the National Police Chiefs' Council (NPCC) became formally subject to the Freedom of Information Act as an independent body. This did not include NaVCIS.

For these reasons it is important that you understand that not being bound by the legislation means that the NPCC cannot apply exemptions to disclosure or engage the fees regulations on their behalf and there is no recourse from the applicant's perspective to the Information Commissioner's Office.

It is the intention of the NPCC to comply with the spirit of the legislation on behalf of NaVCIS, whilst a more formal, legislatively compliant resolution can be agreed.

If NaVCIS were bound by legislation, your request would have been acknowledged in the following way:



Section 17 of the Freedom of information Act 2000 requires the NPCC, when refusing to provide information by way of exemption, to provide you with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

### **Section 31 Law Enforcement – the legislation:**

- (1) Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice –
  - (a) The prevention or detection of crime
  - (b) The apprehension or prosecution of offenders

Some of the information contained within the Agreement provides information in relation to police tactics and covert capabilities. Section 31 is a qualified and prejudice-based exemption. This requires the production of evidence of what prejudice may be caused and consideration as to the public interest in disclosure.

Disclosure of this information would enable those with criminal intent to target specific areas of the UK to conduct their criminal or terrorist activities. This would also enable criminals to take measures to counteract the tactical capabilities of police forces.

Disclosure of this information would have the likelihood of identifying specific vulnerabilities, which would ultimately compromise police tactics, operations and future prosecutions. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on law enforcement. Public safety would be put at risk if criminals were able to counteract police tactics. The NPCC is committed to demonstrating proportionality and accountability.

Any information that could impact or undermine ongoing investigations or any future investigations would enable targeted individuals / groups to become tactically aware of the police capabilities. This would help subjects and avoid detection, and inhibit the prevention and detection of crime.

The NPCC will not disclose information which may hinder the effective management of law enforcement or place staff or officers at risk. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively managing this area of policing, there is a very strong public interest in safeguarding the tactical abilities.

The prevention and detection of crime is the foundation upon which policing is built and the police service have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. Disclosure of information captured by this request could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

The lack of the enhancement to the public debate that the redacted points produce, coupled with the risks leave me in no doubt that the balance, at this time lies in non-disclosure.

- A. The NPCC does hold information captured by your request and I have pleasure in providing to you, a copy of this agreement with minor S31 redaction.
- B. The NPCC does not hold information captured by this part of your request. The NPCC are not lawfully obliged to create information in order to answer a request, and they are not obliged to answer a question. The FOI legislation relates to recorded information only, held at the time of a request. The NPCC are under no obligation to create information in order to answer a request. On this occasion I am unable to assist you further.

Yours sincerely

**Sherry Traquair**

NPCC Freedom of Information Officer & Decision Maker

[www.npcc.police.uk](http://www.npcc.police.uk)

## **COMPLAINT RIGHTS**

### **Internal Review**

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.