

Date: 29th October 2020

Our Reference: FOIA-2020-087

RE: Your request for information under the Freedom of Information Act 2000

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated **20/07/2020** in which you requested:

- "1. Please supply me with a copy of all minutes of the National Undercover Scrutiny Panel from October 2017 to present.
2. Please supply me with all the minutes and papers of the Professional Committee since November 2018
3. Please can you supply me with the full list of Business Areas & Committee meetings held under the aegis of the College of Policing?"

The 20 working day time limit was paused on two occasions between the 20/07/2020 and 16/09/2020, whilst we waited for you to provide clarification.

On **18/09/2020**, you provided clarification, stating that 'business areas' should be interpreted to mean: 'units, groups divisions, etc overseeing aspects of the College of Policing's work. Also include Advisory Panels / Oversight Boards as well as the committees overseeing Authorised Professional Practices'.

In line with the ICO's guidance and s.1(3) of the FoIA 2000, we consider the 20 working day time limit to have officially started on **18/09/2020**, as that is when we received sufficient clarification, allowing us to locate the information you requested.

On **15/10/2020**, we extended the 20 working day deadline whilst we considered the public interest test.

Decision

When a request for information is made under the FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received.

In line with section 1(1) of the FoIA 2000, we can confirm that the College holds some information within the scope of your request. For ease, we have dealt with each part of your request separately:

1. Please supply me with a copy of all minutes of the National Undercover Scrutiny Panel from October 2017 to present.

No recorded information held.

2. Please supply me with all the minutes and papers of the Professional Committee since November 2018

Information held.

Please find the Professional Committee minutes on the College's website from December 2018 – March 2020 [here](#).

In addition, please see disclosure documents 1-7 for further Professional Committee minutes and accompanying papers.

Exemptions applied to disclosure documents 1 – 7:

Document and page number	Exemption applied
Disclosure document 1, 'Analytical capability to support problem solving & demand management'	This document has not been included within disclosure document 1, and has been withheld in full, under section 31(1) - Law enforcement
Disclosure document 2, page 65	Redactions have been applied under section 43(2) - Commercial interests
Disclosure document 2, pages 69 - 75	Redactions have been applied under section 31(1) - Law enforcement
Disclosure document 3, page 48	A redaction has been applied under section 31(1) - Law enforcement
Disclosure document 3, pages 51 - 52	Redactions have been applied under: section 31(1) - Law enforcement and section 38 - Health and safety
Disclosure document 3, pages 55 - 59	Redactions have been applied under: section 24 - National security, section 27 – International relations, section 31(1) – Law enforcement, and section 38 – Health and safety
Disclosure document 4, page 148	Redactions have been applied under section 31(1) – Law enforcement.

<p>All redactions listed above have been clearly identified on the disclosure documents. There are several other, unidentified redactions in disclosure documents 1 – 7. Unless stated otherwise, please assume all redactions in disclosure documents 1 – 7 are due to section 40(2).</p>	<p>The unidentified redactions have been applied under section 40(2) – personal information.</p>
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Please find our reasoning for applying the above exemptions, below.

Contextual information on the disclosure documents:

On pages 12 – 16 of disclosure document **2**, for clarification, the Home Office amended the age at which an individual can apply to become a police officer, to 17, however the age of appointment remains at 18, the reasons for which are outlined in pages 12-16.

In regards to pages 13 – 17 of disclosure document **3**, as a result of the development and delivery of a new online assessment process as a response to Covid-19, and the subsequent learning from that, the College has no plans to roll out the Day One Assessment Process as described in this paper.

The information contained on pages 100-101 of disclosure document **4**, is now out of date. It should not be viewed as the College’s current position.

For context, in disclosure document **5**, the provisional attendees’ list for the June 2020 meeting has been provided, however this meeting was cancelled.

Within disclosure document **7** on pages 20-33, there is a document titled ‘DRAFT: PHASE 2 BARRED LIST REVIEW PROCESS V3 - August 2019’, for context, the information contained within this document is now out of date. There is an updated version, and the contents of this document should not be relied upon, or assumed to be the College’s current position in relation to the Barred List.

College of Policing Independent Peer Review of Direct Entry Scheme’ on pages 41 -64, of disclosure document **7**, it must be noted that the suggestions contained within the report are now out of date. The College made changes both before and following the report being issued, and continuously reviews the Direct Entry scheme for improvements to ensure it is fair for all candidates and encourages diversity.

3. Please can you supply me with the full list of Business Areas & Committee meetings held under the aegis of the College of Policing?

As stated above, you confirmed that ‘Business Areas’ should include: units, groups divisions, etc. overseeing aspects of the College of Policing's work. Also include Advisory Panels / Oversight Boards as well as the committees overseeing Authorised Professional Practices.

I can confirm information is held in regards to the list of business areas.

Please find a list of the College **units, groups, and divisions:**

- 20K Uplift Programme
- Change Programme & Corp Strategy
- Organisational Change
 - Marketing & Communications
- Workforce Development
 - Diversity, Inclusion & Engagement
 - 20K Recruit Uplift
- Knowledge & Innovation
 - Knowledge, Research, and Practice
 - Delivery Services
- Operational Standards
 - Crime & Criminal Justice
 - Uniformed Policing
- Enabling Services
 - Corporate Governance
 - Digital Services
 - People & Organisation Development
 - Finance
 - Business Services
- Audit
 - Audit
 - Risk
 - Assurance
 - Performance Management
- College of Policing networks
 - Carers' Network
 - Diversity Champions' Network
 - Diverse Ethnic Action Network (DEAN)
 - Ability Network
 - LGBT+ Network
 - Muslim Network
 - Parenting Network
 - Women's network
 - Sikh Network

Advisory Panels and Oversight Boards:

Further information is held in relation to 'business areas'. Please find the College's Workforce Development structure under the attachment titled '**Disclosure document 8**'. Please also find the College's governance structure under the attachment titled '**Disclosure document 9**'. For clarification, the redaction in disclosure document 8 is due to irrelevancy, not because of an exemption under the FoIA 2000.

In regards to disclosure document **8**:

- PPOG Steering Group is an acronym for the Policing Performance Oversight Group
- SCC/PNAC PRG is an acronym for the Strategic Command Course/Senior Police National Assessment Centre Professional Reference Group
- PEQF PRG is an acronym for the Policing Education Qualifications Framework Professional Reference Group.

Further boards not appearing in the disclosure documents are:

- The Digital Intelligence and Investigation project board
- The Cyber Digital Career Pathways project board
- Domestic Abuse Matters editorial board.

Authorised Professional Practice committees:

The Professional Committee oversees Authorised Professional Practice for recommendation to the Board.

Committee meetings

Please find details of the Committee meetings on the College website [here](#).

Please find an explanation of the exemptions applied, below; your rights are provided at the bottom of this letter.

Please note that all documents disclosed under the FoIA 2000 still remain subject to copyright law.

Yours sincerely,

Kate Kaufman | Legal Researcher
Information Management and Legal Team
College of Policing

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Section 24 - National security

(1) Information which does not fall within Section 23(1) is exempt information if exemption from Section 1(1)(b) is required for the purposes of safeguarding national security.

Information will not be released if the information, where if to do so, would result in the information potentially being used to help one or more individuals circumvent for criminal and/or other reasons including those that would put at risk national security.

Some information would allow individuals to infer the level of ability police forces maintain in regards to safeguarding national security. There is a significant risk that knowledge and understanding of any capabilities that the police have would allow terrorists or individuals to undermine or circumvent the police thereby prejudicing the ability to maintain national security.

Any disclosure under FoIA is a disclosure to the world at large, and confirming the use of specialist techniques which the police service deploy in specific circumstances would prejudice law enforcement. This would be damaging and limit operational capabilities as criminals / terrorists would gain a greater understanding of the police's methods and techniques, enabling them to take steps to counter them; and provide an indication to any individual who may be undertaking criminal / terrorist activities that the police service may be aware of their presence and taking counter terrorist measures.

It is understood that the public are entitled to know where their public funds are being spent and a better informed public can take steps to protect themselves. However, confirming the use of specialist surveillance techniques, capabilities, methodology and resources could render security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

Section 27 - International relations

(1) Information is exempt information if its disclosure under this Act, would, or would be likely to, prejudice –

(a) Relations between the United Kingdom and any other state.

The disclosure of the information requested would diminish relations between the UK and other countries. Although there is a public interest in knowing how the police service support other nations, there is also a requirement to protect information which may undermine the relationship which has been formed. Disclosure would provide greater transparency over international work undertaken by the police service, which would provide an opportunity for a debate to be stimulated as to whether the work conducted is necessary.

Nevertheless, the disclosure of the information would be damaging to those relationships. In order to build close working relationships that effectively help promote positive policing internationally, a disclosure of information may undermine that process and would lead to the collapse in relations. The disclosure of the information would be damaging to the trust and confidence which has been built between the UK and other countries.

Section 31(1) - Law enforcement

Information may be exempt under section 31(1) if its disclosure would, or would be likely to, prejudice -

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders.

As stated above, some information captured within the scope of your request contains content related to police tactics, capabilities, or locations, which, if released, may impact upon the prevention or detection of crime. A disclosure under FoIA 2000 is to be considered as being a disclosure to the world at large. With this in mind, we consider that to disclose this information would enable potential offenders to take measures to counteract these tactical capabilities. While we acknowledge that there is a public interest in the transparency of policing operations and in providing assurance that the police service is appropriately and effectively managing this area of policing, there is a very strong public interest in safeguarding police tactics and capabilities.

Given the harm that could be caused if this information was disclosed, particularly with regard to the prevention and detection of crime and the apprehension of offenders, we do not consider it to be in the public interest to disclose the documents listed above, at this time.

Section - 38 Health & Safety

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to –
 - (a) Endanger the physical or mental health of any individual, or
 - (b) Endanger the safety of any individual.

This exemption applies to 'any individual'. This may be a police officer, a witness, a member of the public, the applicant, friends and relatives etc., and the harm may be actual or perceived. It refers to physical, mental, emotional and psychological types of harm.

In this instance, the exemption relates to the physical safety. To disclose police tactics, capabilities and resources could endanger lives of officers, and in the event of an incident, innocent witnesses.

Releasing the information could provide those with criminal intent, measures to counter police tactics

Section 40(2) – Personal Information

Section 40(2) FoIA states:

"Any information to which a request for information relates is also exempt information if-

- (a) It constitutes personal data which do not fall within subsection (1), and
- (b) Either the first or the second condition below is satisfied."

Essentially, under section 40(2) FoIA (by virtue of section 40(3A)), personal data of a third party can be withheld if any of the data protection principles would be breached by disclosing that data. Personal data is defined in section 3(2) of the Data Protection Act 2018 (DPA) as being:

"Any information relating to an identified or identifiable living individual".

Section 3(3) DPA defines an identifiable living individual as:

"a living individual who can be identified, directly or indirectly, in particular by reference to –

- (a) an identifier such as a name, an identification number, location data or an online identifier, or
- (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual".

Under section 40(2), we have redacted some personal details, such as names, telephone numbers, email addresses etc. as we believe releasing these would have lead to the direct identification of individuals. Some names have been left in, this is because they have already been published in previous College documents.

Furthermore, some figures have been redacted in disclosure document 4 in the 'BAME results review for Direct Entry and SEARCH' paper to ensure indirect identification does not take place. Low figures, and any other figures that would allow the low figures to be calculated, have been redacted to remove any risk of indirect identification. Although releasing low figures may not lead to the identification of an individual on their own, when combined with other information in the public domain, we consider their to be a risk of indirect identification.

The data protection principles are provided under Article 5 of the General Data Protection Regulations 2018 (GDPR). Article 5(1)(a) states that personal data shall be: "processed lawfully, fairly and in a transparent manner in relation to the data subject". We are committed to openness and transparency and recognise the wider public interest in full disclosure of information held by the College. However, we also have a legal duty to ensure that the rights to privacy of individuals are protected and we do not believe that it would be fair to disclose the requested information.

We consider that the disclosure of the redacted information would not be fair, lawful or transparent and would therefore breach the first data protection principle under Article 5(1) (a) GDPR.

Section 43(2) - Commercial interests

Section 43(2) of the FoIA states:

'Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).'

In line with section 43(2), we have redacted information on page 65 of disclosure document 2, as we consider releasing it would be likely to prejudice future commercial interests of relevant individuals. This is a qualified exemption under the FoIA Act, which means consideration must be given to whether in all the circumstances of the case, the public interest favouring disclosure is greater than the public interest in maintaining the exemption.

We acknowledge that releasing this information would increase openness and transparency, but overall consider that the public interest in redacting the information, outweighs the public interest in disclosing it, due to the prejudice which would likely be caused.

Your right of review

Under the Freedom of Information Act 2000 you have a right to request an internal review if you are dissatisfied with our handling of your request. Review requests should be made in writing (by email or post) within **40 working days** from the date of our original response. We will aim to respond to your review request within **20 working days**.

The Information Commissioner's Office (ICO)

If, after lodging a review request you are still dissatisfied, you may raise the matter with the ICO. For further information you can visit their website at <https://ico.org.uk/for-the-public/official-information/>. Alternatively, you can contact them by phone or write to them at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113