

Date: 7th September 2020

Our Reference: FOIA-2020-093

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 **07/08/2020** in which you requested:

'In 2018 a spokesperson from the College of Policing stated:

"The key points which the standards establish are the ability to identify a subject based on a description, of which colour could be a significant factor, particularly where this may lead to pre-emptive use of force or officers using lethal force or firearms".

Please answer the following questions:

1. What documented evidence does the College of Policing rely on that supports the use of colour as a significant factor when used as part of a description?
2. What research has the College of Policing undertaken in relation to the reliability of colour as a significant factor when used as part of a description?
3. How many uses of force involving a police firearm or CED has the College of Policing been made aware of where colour has been a significant factor when used as part of a description between January 1st 2010 and August 1st 2020 in England, Wales or Northern Ireland.
4. Is the initial firearms course (IFC) designed to test the cognitive functions of candidates? Such as threat perception, target confirmation and accurate description recognition.
5. Has a use of lethal or potentially lethal force been authorised by a tactical firearms commander where colour is the primary descriptor between January 1st 2010 and August 1st 2020 in England, Wales or Northern Ireland.'

Decision

After conducting careful searches for any information relevant to your request I can confirm that there is some information held. We have dealt with each part of your request below:

1. What documented evidence does the College of Policing rely on that supports the use of colour as a significant factor when used as part of a description?

I can confirm some information is held in regards to this part of your request. Please see disclosure documents 1-8, which are attached to the email. Please find a brief description of each document below:

Disclosure document 1 – includes a relevant extract from a 2010 paper produced by the National Policing Improvement Agency, titled ‘Medical Assessment of Firearms Officers and Taser Officers’.

Disclosure document 2 – A circular sent out by the National Police Chiefs’ Council (NPCC) asking for feedback in relation to medical and eyesight standards for authorised firearms officers and Taser specially trained units (STU).

Disclosure document 3 – The College of Policing’s ‘Medical Assessment of Authorised Firearms Officers & Specially Trained Taser Officers’ document.

Disclosure document 4 – Professor Andrew Stockman’s paper, titled ‘Report on Colour vision standards for STU officers’.

Disclosure document 5 – A circular sent out by the Association of Chief Police Officers in regards to occupational health standards for Authorised Firearms Officers and eyesight standards for STU Taser Officers.

Disclosure document 6 – A paper produced by QinetiQ for the Home Office, titled ‘Draft Eyesight Standards for the Recruitment of Police Officers’.

Disclosure document 7 – An employment tribunal judgement regarding the requirements that must be satisfied for an individual to be considered for the role of an Authorised Firearms Officer.

Disclosure document 8 – A paper titled ‘Colour Vision Standards for the Police Service of Northern Ireland’.

An exemption under **section 40(2) – personal data** has been applied to all identifiable information in disclosure documents 2, 3, 5, and 6. As a result we have redacted any personal data contained within the document. Please see our reasoning for applying the exemption below.

2. What research has the College of Policing undertaken in relation to the reliability of colour as a significant factor when used as part of a description?

I can confirm some information is held in regards to this part of your request. We would argue that disclosure documents 2, 3, 5, and 8 are linked to research carried out by the College and therefore fall into the scope of this question.

As is stated above, an exemption under **section 40(2) – personal data** has been applied to all identifiable information in disclosure documents 2, 3, and 5. As a result we have redacted any personal data contained within the document. Please see our reasoning for applying the exemption below.

3. How many uses of force involving a police firearm or CED has the College of Policing been made aware of where colour has been a significant factor when used as part of a description between January 1st 2010 and August 1st 2020 in England, Wales or Northern Ireland.

No information held.

4. Is the initial firearms course (IFC) designed to test the cognitive functions of candidates? Such as threat perception, target confirmation and accurate description recognition.

No information held.

5. Has a use of lethal or potentially lethal force been authorised by a tactical firearms commander where colour is the primary descriptor between January 1st 2010 and August 1st 2020 in England, Wales or Northern Ireland.

No information held.

Please find an explanation below of our decision to apply section 40(2); your rights are provided at the bottom of this letter.

Any documents provided under the Freedom of Information Act 2000 remain protected by copyright law after disclosure.

Yours sincerely,

**Kate Kaufman | Legal Researcher
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College of Policing**

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Section 40(2) of the Freedom of Information Act 2000 – 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”.

Redactions have been used in disclosure documents 2, 3, 5 and 6 to prevent personal data from being released into the public domain. Names, email addresses, telephone numbers, addresses, photos etc. have all been redacted as they would otherwise lead to the direct identification of living individuals.

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 College documents. 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.

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