

Date: 11 September 2020
Our Reference: FOIA-2020-094

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 13/08/2020 in which you requested to add ethnicity data to your earlier FOIA request for information (our reference FOIA-2020-079).

When a request for information is made under 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.

Decision

After conducting careful searches for any information relevant to your request I can confirm that we hold information that falls within the terms of your request. However, your request is being refused under the following exemption:

- Section 22 – information intended for future publication

Section 22 states:

(1) Information is exempt information if—

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)

In relation to the information that we hold, I acknowledge that there is a public interest in sharing information relating to the recruitment process in a timely manner. However this must be balanced with the public interest in a public body providing the data in a cost effective way. I do not consider that publishing this information in response to an individual FOIA request, when there is a settled intention to publish in the near future, the most cost effective or efficient method of publishing this information. I therefore consider that the public interest lies in withholding this information at this stage.

The application of section 22 requires it to be reasonable in all of the circumstances to withhold disclosure until the intended date of publication. Given that the necessary evaluation of the data is still to be undertaken, and taking into account that the current intention is to publish the report by the end of January 2021, I am of the view that it is reasonable to withhold the information until the intended date of publication.

In your correspondence clarifying your request you referenced the evaluation report for the Day One process and specifically the breakdown of the ethnicity data that was provided. Please be advised that we hold ethnicity data at the 18+1 category level for the new online assessment process, however the categories are not identical to those in the Day One report.

Your rights are provided in **Appendix A** below.

Yours sincerely,

Sarah Lawrence | Legal Advisor
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

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 request that the decision is reviewed internally.

Internal review requests 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 an internal review request 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: 0303 123 1113