



**Date:** 2<sup>nd</sup> July 2020

**Our Reference:** FOIA-2020-076

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

I write in response to your Freedom of Information Act 2000 (FoIA) request dated **26/06/2020**, in which you requested:

Please provide the following information, under the Freedom of Information Act:

1. Between 1st January 2020 and 26th June 2020, how many bookings were made by North Yorkshire Police for delegates to participate in the following courses, delivered by the College of Policing:
  - Police National Database Train the Trainer Learning Programme
  - ViSOR Train the Trainer Learning Programme
2. Please specify the dates of the courses on which delegates from North Yorkshire Police were booked to attend, and the number of delegates from North Yorkshire Police booked on each course.
3. If any of the courses identified did not actually take place, please specify the reason for the non-delivery of each course.

## **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.

Under section 1(1), I can confirm the College holds **recorded information** within the scope of your request. Due to low numbers, the actual figure of delegates from North Yorkshire Police booked on to each course has been amended to '5 delegates or fewer' to protect personal data under section 40 FoIA – personal information. Each part of your request has been dealt with below:

**Between 1st January 2020 and 26th June 2020, how many bookings were made by North Yorkshire Police for delegates to participate in the following courses, delivered by the College of Policing:**

- **Police National Database Train the Trainer Learning Programme – 5 delegates or fewer.**

- **ViSOR Train the Trainer Learning Programme** – 5 delegates or fewer.

**Please specify the dates of the courses on which delegates from North Yorkshire Police were booked to attend, and the number of delegates from North Yorkshire Police booked on each course.**

The Police National Database Train the Trainer Learning Programme was scheduled for 20-23 April 2020. 5 or fewer delegates from North Yorkshire Police were booked on to the course.

The ViSOR Train the Trainer Learning Programme was scheduled for 3-5 June 2020. 5 or fewer delegates from North Yorkshire Police were booked on to the course.

**If any of the courses identified did not actually take place, please specify the reason for the non-delivery of each course.**

Both courses were cancelled due to the COVID-19 pandemic.

Please find an explanation of our decision to apply section 40 below. Your rights are provided at the bottom of this letter.

Yours sincerely,

**Kate Kaufman | Legal Researcher**

**Legal Services**

**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)

## **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”.

The two figures which have been changed to ‘5 or fewer delegates’, have been done so as the figures are extremely low and could lead to the risk of identification for the reasons listed below. As is stated above, the two main elements of personal data are: that the information must ‘relate’ to a living person and that the person must be identifiable. Information will relate to a person if it is: about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, and has them as its main focus or impacts on them in any way. We acknowledge that certain categories of personal data, such as providing the figures in full, may not in itself, constitute personal data. However, when grouped with other categories of data, or combined with other information already in the public domain, it creates a substantial risk of an individual being identified.

As such, it is our view that the information you have requested is personal data, and should consequently be modified to ‘5 or fewer delegates’, under section 40(2) FoIA, as it may otherwise lead to the indirect identification of an individual. For example, if we were to provide you with the full figures, you may be able to identify the identity of an individual through other information published by the College, or North Yorkshire Police, or other sources. 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 information relating to full figures being available. 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 withheld 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**