



Our Ref: 002952/20

Your Ref:

Address Correspondence to: Information Management

Date 24 September 2020

Dear Sir/Madam,

Freedom of Information Act 2000

I write further to your request for information received 05/09/2020.

I note you seek access to the following information:

22) *Under the Freedom of Information Act, and to assist our complaint, please supply the following for the last 12 months or for the last convenient 12 month period you have available:*

- a) *How many Antisocial Behaviour Advice Letters were issued by Leicestershire Police?*
- b) *How many were issued to families/individuals from BAME communities?*
- c) *How many were issued by PCSO's?*
- d) *How many were issued without speaking to the subjects of the ASB letters?*

23) *Please supply of copy of Leicestershire Police guidelines for responding to allegations of hate crime.*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and the information asked for is as follows: -

In relation to question 23, please find attached Leicestershire Police's Policy for dealing with Hate Crimes and Incidents.

The redacted parts of this document have been redacted pursuant with the below:

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption(s) applicable relate to your request are as follows:

- Section 31 – Law Enforcement
- Section 40 (2) – Personal Information

Section 31 is a prejudice based, qualified exemption and there is a requirement to articulate the harm that would be caused as well as carrying out a public interest test.

Evidence of Harm

Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate.

However, in disclosing information to one applicant, we are expressing a willingness to provide it to anyone in the world. This means that a disclosure to a genuinely interested and concerned person automatically opens it up for a similar disclosure, including those who would use the information to gain an advantage over the police.

In considering whether or not this information should be disclosed, consideration has been given to the potential harm that could be caused by disclosure.

Effective policing requires the active participation of a wide number of agencies in order for it to be successful. As a result, during the course of an investigation, information is discussed and provided with the confidence that it will be treated confidentially. If a disclosure was made under the Act that broke this confidence, it would mean that information is not discussed and would severely impact on the process of law enforcement.

Section 31 – Considerations favouring disclosure

There is a public interest in disclosure of the requested information as it would allow the public to discuss the conduct of investigations of this nature and would therefore raise the Force's accountability. It would also aid transparency and allow any failings to be discussed in the public domain.

Disclosure would also enable the public to see how public funds are spent during the course of operational Policing and would demonstrate the effective partnership work the Force undertakes with external agencies.

Section 31 – Considerations favouring non - disclosure

I am of the opinion that it is not in the public interest to disclose information that relates to the specific processes involved in these types of investigation on this occasion. The information requested contains a wealth of information that if disclosed, would reveal police tactics and evidence gathering techniques along with other information which is vital to Law Enforcement.

If this was released into the public domain, it would allow those like minded to commit crime to be aware as to how this type of investigation is conducted. It would therefore give them an added advantage should they wish to impede a future investigation and would significantly weaken our law enforcement capabilities.

Section 40 (2) states the following

- (2) Any information to which a request for information relates is exempt information if;

(a) it constitutes personal data

and

(3)(a) the disclosure of such information to a member of the public would contravene (i) any of the data protection principles.

This exemption applies because the right given under the Act to request official information held by public authorities does not apply to personal data. This exemption is an absolute exemption and as a result I am not obliged to consider the harm which disclosure would cause or to conduct a public interest test.

To disclose the information that you have requested would identify individuals to whom the information relates. Disclosure would therefore breach the first Data Protection Principle, namely that information must be processed lawfully and fairly.

Conclusion

I believe that on balance it is **not** in the public interest to release information which you have requested on this occasion for the reasons stated above. I appreciate that this is not the decision you had hoped for but I must consider the wider position under the Freedom of Information Act 2000 which I feel necessitates the need to refuse your request under this legislation.

In relation to question 22, this information would invoke section 12.

Section 12 – Cost of compliance exceeds appropriate limit.

Information relating to Antisocial Behaviour Advice is not centrally recorded in Leicestershire Police and to locate the information would require each Local Policing Unit to search their records to see what they hold. For example they would need to review ASB related crime reports and associated documents that they may hold to see if any advice letters were sent.

In order to retrieve the information you have requested would therefore be in excess of the 18 hours specified by the Home Office as the time period for which a police force should allocate to a request under the Freedom of Information Act 2000.

In the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, the current regulatory limit which has been set by the Secretary of State for public authorities, which includes the police service, is £450 for the marginal costs which are the costs of finding, sorting, editing or redacting information and disbursements (printing, photocopying etc). The Association of Chief Police Officers have agreed a national standard of an hourly rate of £25 is to be charged for the time taken. In essence therefore, the costs equate to 18 hours work per request. It will be apparent therefore that within the time frame of 18 hours it will not be possible to extract the information to answer any of your questions.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under s12(1) as the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the “appropriate level” as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force’s full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer
Leicestershire Police

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