



Our Ref: 003649/20

Your Ref:

Address Correspondence to: Information Management

Date 27 November 2020

Freedom of Information Act 2000

I write further to your request for information received 02/11/2020.

I note you seek access to the following information:

How many calls received and crimes recorded since 2015, where the caller has mentioned the word "Boris Johnson" for any reason

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

The Leicestershire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 31(3) Law enforcement;
- Section 40(5) Personal Information;

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Section 40(5) is an absolute exemptions which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Section 31(3) is qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

Overall harm for the NCND

The applicant is asking specifically for information (aka intelligence) that has been provided to the Police Service in confidence by 'people'. The public expect police forces and other law enforcement agencies to use all powers and tactics available to them in their endeavour to prevent and detect crime or disorder and maintain public safety. There are a number of tactics available for gathering intelligence including, as in this case, recording information that is provided by members of the public when they contact Leicestershire Police of their own volition.

The College of Police APP Information Management Module is a national standard adhered to by all police forces across England and Wales. Police Information refers to all information obtained, recorded or processed for a policing purpose and includes information which is processed (known as data, including personal data) and information which has been subject to a process of evaluation (known as intelligence).

It is a business process with an intention to provide focus to operational police and to achieve a disproportionately greater impact from the resources applied to any problem. It is dependent on a clear framework of analysis of information and intelligence allowing a problem solving approach to law enforcement and crime prevention techniques.

The Police Service would never confirm or deny whether information has been supplied by members of the public relating to a named individual or not, whoever that individual may be, unless there is genuine operational reason to do so. If Leicestershire Police reveals information, by confirming information is held (by citing an exemption) or, conversely, stating no information is held, that in itself reveals information about a named individual and would undermine the above APP.

In addition, the flow of information (intelligence) into Leicestershire Police could be compromised which would have an impact on our ability to collect reliable and accurate intelligence resulting in more costly and time consuming methods of collecting information.

Factors favouring confirmation or denial for S31

Boris Johnson is the current Prime Minister of the United Kingdom and that in itself favours complying with s1(1)(a).

Factors against confirmation or denial for S31

Leicestershire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure reveals information to the world by not adopting an NCND position, this action would compromise the effective delivery of operational law enforcement as detailed in the harm above.

You have requested statistics where a living individual has been mentioned for any reason, Leicestershire Police relies on information being supplied by the public. Irrespective of what information is or is not held, by applying substantive exemptions would indicate that information is held and therefore revealing sensitive personal information about an individual. Such action would act as a deterrent to the public to provide intelligence to the force.

Section 40 (5) – Personal Information

(5) The duty to confirm or deny—

(b) does not arise in relation toinformation if or to the extent that either—

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles

In line with the Information Commissioners Guidance, any request of this legislation is considered to be applicant blind and we cannot therefore consider the motives behind the request. We have to treat such a disclosure as if it is being released to the world and assess each request accordingly.

In this case, you are asking for confirmation of whether named individuals have had involvement with the police. Whether a named individual is a member of the public or an elected member of parliament including the prime minister, data protection still applies to this individual. To confirm or deny, even by means of a substantive exemption, that any calls or occurrences have been received mentioning a named individual would breach the Data Protection act and its principles. As a result I have to consider that you are requesting information that regardless of whether it exists, is considered to be personal data.

This is due to the fact that to even confirm or deny that information is held would be to release the personal data of individuals which would therefore breach the Data Protection Principles.

It must also be remembered that any information that the Police Service holds is given to us in the confidence that it would not be released into the public domain without a clear legal basis for doing so. As you can appreciate, public confidence would be reduced if members of the public were able to use the Freedom of Information Act to request data about any individuals who they believe have come into contact with the police. To provide the information on one occasion expresses a willingness to provide information on all occasions and it is for this reason that I can neither confirm nor deny that we hold any information of relevance to your request.

Balance test

The points above highlight the merits of confirming or denying that information pertinent to this request exists. The Police Service relies heavily on the public and other law enforcement agencies providing information. The public has an expectation that any information they provide will be treated with confidence and in line with the APP Information Management Module. Anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence other agencies and individuals have in the Police Service.

The effective delivery of operational law enforcement takes priority and is at the forefront of Leicestershire Police to ensure the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for Neither Confirming Nor Denying that information is held is appropriate in this case.

None of the above can be viewed as an inference that any other information does or does not exist.

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

Leicestershire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law.

Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Information Manager, Leicestershire Police Headquarters, St. Johns, Enderby, Leicester LE19 2BX.