



Our Ref: 000692/21

Your Ref:

Address Correspondence to: Information Management

Date 25 March 2021

Freedom of Information Act 2000

I write further to your request for information received 01/03/2021.

I note you seek access to the following information:

For the calendar year 2020, please provide the following information:

1. *How many times did you request information from a social media company regarding a case? For each request, please provide*
 - a. *The social media company/platform the request was made to*
 - b. *The date the request was made*
 - c. *The date the information requested/part of the information requested, was supplied by the social media company. Or state if the request was rejected, or is still outstanding*
 - d. *The crime type of the case the request was related to*

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: -

Please see attached spreadsheet containing information relating to your request. The information requested in parts *b* and *c* would invoke Section 12:

Section 12 – Cost of compliance exceeds appropriate limit.

Information relating to dates the information was requested and provided is not held in an easily retrievable format, therefore to provide this level of detail would require a manual review of 770 records which would take in excess of 18 hours.

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 these parts of your request.

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.

Further to the above, Leicestershire Police Service can neither confirm nor deny that it holds any further information you have 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 23(5) Information relating to the Security bodies;
- Section 31(3) Law enforcement;

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

Section 23 is an absolute exemption 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 requires us to carry out a harm and public interest balancing test before it can be relied upon.

Harm in confirming that Information is held

Public safety is of paramount importance to the policing purpose and must be taken into account in deciding to disclose whether the information is or is not held. Furthermore, confirming if particular tactics are used and confirming policing methods which are not in the public domain may prejudice the use of this method by allowing criminals to adopt counter measures.

To confirm or deny whether we hold any further information, would allow interested parties to gain an upper hand and awareness of policing policy and decisions. To confirm or deny that any other information is held or provide details relating to what may or may not be held may be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public, and this would also impact upon any current investigation.

Section 31

Factors favouring confirmation or denial for S31

Confirming or denying whether any further information is held would allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent.

Factors against confirmation or denial for S31

By confirming or denying whether any further information is held would mean that law enforcement tactics would be compromised which would hinder the prevention and detection of crime. Investigation procedures and tactics are re-used and have been monitored by criminal groups, fixated individuals and terrorists. These

procedures and tactics would need to be reviewed which would require more resources and would add to the cost to the public purse.

Balancing Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The safety of the public is of paramount importance and the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine an investigation. Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding policing techniques and the integrity of the police, in knowing that policing activity is appropriate and balanced, which will only be overridden in exceptional circumstances.

It is therefore our opinion that for these issues the balancing test for confirming or not that any other information is held, is not made out.

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.