



Our Ref: 000877/21

Your Ref:

Address Correspondence to: Information Management

Date 12 April 2021

Freedom of Information Act 2000

I write further to your request for information received 15/03/2021.

I note you seek access to the following information:

- *Any correspondence between police forces and professional taxi drivers and/or taxi companies, from March 2020 to the latest point at which data is available.*
- *The number of attempts to encourage professional taxi drivers and/or taxi companies to report breaches of the Coronavirus Act 2020 such as large parties, mass gatherings and raves, from March 2020 to the latest point at which data is available.*
- *The number of responses from professional taxi drivers and/or taxi companies reporting breaches of the Coronavirus Act 2020, from March 2020 to the latest point at which data is available.*
- *The number of fines for failing to comply with the Coronavirus Act 2020 as a result of information provided by professional taxi drivers and/or taxi companies, from March 2020 to the latest point at which data is available.*

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 38(2) Health and Safety;
- 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 is a class-based 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.

Sections 31(3) and 38(2) are 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 public expect police forces and other law enforcement agencies to use all powers and tactics available to prevent and detect crime or disorder and maintain public safety. There are a number of covert tactics available and the use of informants is one of them. Used correctly, it is a proportionate, lawful and ethical tactic which provides an effective means of obtaining evidence and intelligence.

There is considerable harm attributed to the confirmation or denial of any information in relation to police receiving information from confidential sources. Such information would not exist had covert human intelligence sources not been required to participate in the effective investigation of criminal matters. The information is only held because it is obtained and recorded by the force for the purpose of its functions in relation to criminal investigations.

In this case, and irrespective of whether any information relating to this request is or isn't held, confirmation or denial that specific individuals or groups of individuals are used as intelligence sources is likely to reduce the flow of information to the Police Service and would have a substantial prejudicial impact on the ability of such authorities to collect reliable and accurate intelligence. Furthermore, law enforcement bodies would become dependent on more costly and time consuming methods of collecting intelligence.

Covert Human Intelligence Sources (regardless of their motivation) provide information at particular personal risk to themselves and their families. As previous cases have shown, where a CHIS is identified it can result in substantial physical harm, or mental trauma resulting from the threat of physical harm. To confirm or deny whether or not these individuals or groups of individuals i.e. those employed by or affiliated with taxi companies are used as intelligence sources places them at an increased risk from danger as detailed above.

To state 'no information held' or cite a substantive exemption would confirm which forces use these individuals or groups of individuals as covert human intelligence sources (CHIS). This in itself would be harm inasmuch as it would potentially reveal CHIS activity and locations.

Factors favouring confirmation or denial for S31

Some forces have acknowledged that they have adopted the use of taxi companies as an intelligence source, for example [here](#), which in itself is a factor favouring confirmation or denial that information is held. Confirmation or denial that information is held would also reassure the public that Leicestershire Police are taking all means necessary to uphold the law and protect public safety during this health crisis.

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 would undermine the effective delivery of operational law enforcement as offenders could use this knowledge to their advantage. Specifically it would provide a picture of where such tactics were deployed to apprehend offenders and where they were not. Criminals and those with a criminal intent could then use this information to circumvent such tactics to avoid detection. This would ultimately compromise public safety and more worryingly encourage offenders to carry out further crimes.

Factors favouring confirmation or denial for S38

Confirming whether information is or isn't held would provide reassurance to the general public that Leicestershire Police use tactical options with regard to the use of Covert Human Intelligence Sources as a means of acquiring intelligence. This awareness could be used to improve any public consultations; debates in relation to this subject and also allow the public to take steps to protect themselves.

Factors against confirmation or denial for S38

Confirming or denying that information exists could lead to the loss of public confidence in Leicestershire Police ability to protect the wellbeing of individuals recruited as CHIS as well as members of the community at large. Leicestershire Police has a duty of care towards any individual who has been recruited as a CHIS. To reveal information via an FOI request which would place the safety of individuals in significant danger, is not in the public interest.

Balance test

The points above highlight the merits of confirming, or denying, whether any information pertinent to this request exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various tactical options, including the use of CHIS may or may not be utilised. The Police Service will never divulge whether or not information pertinent to this request does or does not exist, if to do so would place the safety of an individual(s) at risk, compromise an ongoing investigation or undermine the policing purpose in the effective delivery of operational law enforcement.

Whilst there is a public interest in the transparency of policing operations, providing reassurance that the Police Service is appropriately and effectively tackling crime, there is a very strong public interest in safeguarding the health and safety of individuals. As much as there is a public interest in knowing that policing activity is appropriate and balanced it will only be overridden in exceptional circumstances.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying that information is held is appropriate.

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

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