



Our Ref: 000989/21

Your Ref:

Address Correspondence to: Information Management

Date 16 April 2021

Freedom of Information Act 2000

I write further to your request for information received 23/03/2021.

I note you seek access to the following information:

1. *How many reports did you receive from whistleblowers in 2019 and in 2020?*
2. *How many people do you have in your organisation that are trained/permitted to take reports from whistleblowers?*
3. *What training have the people in question number 2 received in whistleblowing?*
4. *What cost, if any, was there for this training?*
5. *Which organisation delivered each course?*
6. *What is the name of the person that arranged this training and what is their email address?*
7. *What methods do you have for whistleblowers to contact a person that is authorised to take their report and what are the specific details of these, i.e., email addresses, telephone numbers etc?*
8. *What are the email addresses for the people authorised to receive whistleblower reports?*
9. *How many whistleblowers have left the organisation within 12 months of making a report?*
10. *How many whistleblowers have made an allegation of 'detriment' against your organisation?*

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 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 a qualified exemption and requires us to carry out a harm and public interest balancing test before they can be relied upon.

Overall harm for Section 31

Irrespective of what information may or may not be held, the impact of confirming or denying whether Leicestershire Police has received disclosure from a Whistleblower has potential to undermine the flow of information (intelligence) received from members of the force workforce about criminal and misconduct activity from within the force, which requires further investigation.

Although the question submitted for this request appears fairly generic, confirmation or denial that any information is held would undermine the confidentiality expected by a person who reports to the police an allegation of wrongdoing. In addition, the FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone. As such, a response to an FOI request is an unmanaged disclosure, where the public authority relinquishes control of the dissemination of the information. In this case, there is an argument to suggest that disclosure of information may provide intelligence to offenders themselves. There may be operational or investigative reasons why the force would not wish to communicate to offenders themselves any details that would alert them to the existence of a Whistleblower within the force.

Factors favouring confirmation or denial for S31

Openness and transparency with regard to Whistleblower activity within the force provides a better awareness to the general public, and strengthens confidence in the perception that the police is proactive in the prevention and detection of criminality and misconduct from within the force.

Factors against confirmation or denial for S31

In this case a confirmation or denial that information is held may infer that Leicestershire Police take their responsibility to safeguard the identity of Whistleblowers, and their allegations flippantly, without due regard towards the seriousness of the information disclosed. Such action risks undermining confidence overall, thus hindering the prevention and detection of crime and the apprehension or prosecution of offenders, and would also impede investigations into suspected misconduct.

Section 40

Consideration on applying this exemption is subject to whether the disclosure of the information requested would lead to identifying individuals and place information pertaining to them into the public domain by Leicestershire Police. This constitutes personal data which would, if released, be in breach of the rights provided by the Data Protection Act 2018 and General Data Protection Regulations; namely the first data protection principle, which states that personal data will be processed *lawfully, fairly and transparently*. It is my view that the request runs counter to the three requirements prescribed by law and that there is no lawful basis to provide this information. Furthermore, the question of fairness and transparency is not met either as the data subjects in question would have no expectation that their personal data would be provided and processed in this way. This is an absolute exemption and no public interest test is required.

Balance test

The points above highlight the merits of confirming or denying whether any information exists. The Police Service relies heavily on the provision of information to assist in investigations and has a duty to protect and defend vulnerable individuals. Any person, whether as a member of the public or as an employee providing disclosure in terms commonly known as "Whistleblowing", has an expectation that information they provide will be treated with confidence. Anything which places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service overall.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirmation or denial that any information is held is not made out.

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.