



Our Ref: 002783/21

Your Ref:

Address Correspondence to: Information Management

Date 29 September 2021

Freedom of Information Act 2000

I write further to your request for information received 18/08/2021.

I note you seek access to the following information:

Please provide the number of hate crime referrals received from the organisation ResistingHate.org in the last five years.

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 I am not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Police, 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.

Under this legislation, there is a presumption that a Public Authority will firstly confirm or deny that information is held, and then disclose what is held unless an exemption applies.

However, on this occasion I am not required to confirm or deny that information is held as the obligation imposed by Section 1 (1) (a) of the legislation does not apply by virtue of the following exemption:

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[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.

Although I have refused your request, this should not be taken as an inference that this 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.

Freedom of Information Officer
Leicestershire Police

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