



**HEDDLU
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POLICE**



FREEDOM OF INFORMATION REQUEST

FREEDOM OF INFORMATION REQUEST 2024/27796

Dear requester,

Thank you for your recent request under the Freedom of Information Act 2000.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at, **Section 1(1) (a)**, is to confirm or deny whether the information specified in a request is held. The second duty at, **Section 1 (1) (b)**, is to disclose information that has been confirmed as being held.

The information that you are seeking is in relation to the following:

REQUEST

- **Request 1B.** *The consideration that resulted in the process change. It appears reasonable to believe that something triggered this change, that there was consideration of the existing procedure, that following this deliberation/reflection, favour was found in termination of the original process and adoption of the new. The pros & cons analysis of the procedure or dropping this appears to have been reviewed. I doubt this was a snap decision. Please provide this information the response 'not held' is unhelpful, appears unlikely. It appears reasonable to assume consideration was given to changing the process and that this was disseminated. It is this information I am seeking.*

If it is not held in a documented format, I would expect an explanation for this, for example, the change of process was conveyed verbally i.e. there is no formal record of the process ever being conveyed to any member of staff, no email, no seeking of an acknowledgement etc.

The approach to such a process appears simplistic, unprofessional.

Request 1C. *Having determined cessation was preferential to continuance, the circulations and reporting to management etc, to include confirmation the date the process was to commence.*

The response is 'With effect from October 2024.'

This is not a date. Please advise the specific date.



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Please see the attached emails redactions applied – please see the above exemptions which apply.

- **Request 1D.** *The above will convey the dates the issue was first aired, the date(s) of consideration, the date of notification to others and date of commencement.*

The response 'as above' is not a date, is not the dates. More than one date is likely to be associated with the response.

- **Request 2.** *Additionally, provide the reports of weeded vehicles you received between 13/08/2024 and today's date.*

You have responded citing s21. The link provided is to general advice about making an FOIA request. This does not satisfy the request.

Where is the information available elsewhere.

- **Request 2A.** *Please explain how the reports fall to 'sensitive data'*

You have responded 'see above'.

See what above, and how is this relevant to the label 'sensitive data'?

On the basis 'above' refers me to 'info' held elsewhere' (s21), it appears to follow the information, being available (albeit elsewhere – as yet identified) it is not 'sensitive', it does not fall to data that should be withheld.

- **Request 2B.** *advise what information can be provided with 'personal information' redacted, to include the data identified at subsections 'vi' to 'x' inclusive.*

You have responded 'see above exemption'.

You have only cited s21. Where/how is the information reasonably accessible by other means.

RESPONSE

- **Request 1B.** *The consideration that resulted in the process change. It appears reasonable to believe that something triggered this change, that there was consideration of the existing procedure, that following this deliberation/reflection, favour was found in termination of the original process and adoption of the new. The pros & cons analysis of the procedure or dropping this appears to have been reviewed. I doubt this was a snap*



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decision. Please provide this information the response 'not held' is unhelpful, appears unlikely. It appears reasonable to assume consideration was given to changing the process and that this was disseminated. It is this information I am seeking.

If it is not held in a documented format, I would expect an explanation for this, for example, the change of process was conveyed verbally i.e. there is no formal record of the process ever being conveyed to any member of staff, no email, no seeking of an acknowledgement etc.

The approach to such a process appears simplistic, unprofessional.

RESPONSE 1B

Please see attached action plan document and emails. (PNC Action Plan September 2024 (002) _Redacted, Stolen vehicles _Redacted and FCR AND PNC _Redacted)

The following exemptions apply to the redacted information Section 40(2) Personal Information and Section 31(1)(a)(b) Law Enforcement.

Section 40(2) Personal Information

The exemption applicable to the information you have requested for this question can be found at Section 40(2) Personal Information, of the Act and this refusal notice is issued under Section 17.

Gwent Police is withholding the information you have requested on the basis that the exemption contained in s 40(2) of the Freedom of Information Act applies in that the information you have requested is personal data of third parties and the disclosure of the data would breach one of the principles contained in the Data Protection Act. The relevant principle is the first principle which states that:

Personal data shall be processed fairly and lawfully and in particular shall not be processed unless –

(a) at least one of the conditions in Schedule 2 is met and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is met

It is only necessary to consider (a) in respect of the information requested. The relevant condition in Schedule 2 is condition 6 which states that:



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"The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject."

Section 31(1)(a)(b) Law Enforcement

Overall Harm

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Modern-day policing is intelligence led and in this particular subject area the intelligence changes on a day-by-day basis.

Disclosure of the requested information would reveal tactics which has the potential to seriously undermine effective law enforcement. Disclosure of Police tactics and capability would assist offenders when planning criminal activity. For example, if an offender knew that the police capabilities in this area, they could pinpoint any weaknesses.

Factors favouring Disclosure for Section 31

Disclosure of this information would provide a better awareness which may reduce crime or lead to more information from the public and it would enable them to take measures in order to protect their vehicles. Disclosure would aid the public's understanding of how Gwent Police operates and for what direct purpose, stopping any incorrect rumours or falsehoods that may already exist.

Factors favouring Non-Disclosure for Section 31

To release this information will divulge policing tactics in as much as it will be clear to see for which offences the police use this data to aid with their investigations. This may then lead to those wishing to commit certain crimes to change their behaviours to avoid detection thus undermining the Police's capabilities of preventing and detecting crime. Release of the information would mean that the role in the prevention and detection of crime would be compromised. The safety of the public is of paramount importance to the policing purpose, and an increase in crime would place the public at risk of harm.

Balancing Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. These roles are of paramount importance and the Police Service will not divulge information if to do so



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would place the safety of an individual at risk or undermine the prevention or detection of crime.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively investigating this type of offence, there is a very strong public interest in safeguarding the public as well as the integrity of police investigations and operations.

Disclosure of information that would have a serious negative impact on security and would not be beneficial.

Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure for questions is not made out.

- **Request 1C.** *Having determined cessation was preferential to continuance, the circulations and reporting to management etc, to include confirmation the date the process was to commence.*

The response is 'With effect from October 2024.'

This is not a date. Please advise the specific date.

RESPONSE 1C

As stated on attached action plan 09/10/2024 and on the email which states 14/10/24 or as soon as receive briefing on 09/10/2024. (PNC Confirming stolen vehicle Reports - with effect 14_10_24_Redacted)

Please see the attached emails redactions applied – please see the above exemptions which apply to redactions (section 40(2) and section 31(1)(a)(b) Law Enforcement.)

- **Request 1D.** *The above will convey the dates the issue was first aired, the date(s) of consideration, the date of notification to others and date of commencement.*

The response 'as above' is not a date, is not the dates. More than one date is likely to be associated with the response.

RESPONSE 1D

Action plan confirms issue identified in August, 21/09/2024 meeting arranged to discuss with Head of Force Control room, staff notified on 09/10/2024, date of commencement 14/10/2024.

Please see the attached emails confirming this- please see the above exemptions which apply (section 40(2) and section 31(1)(a)(b) Law Enforcement.)



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- **Request 2.** *Additionally, provide the reports of weeded vehicles you received between 13/08/2024 and today's date.*

You have responded citing s21. The link provided is to general advice about making an FOIA request. This does not satisfy the request.

Where is the information available elsewhere.

RESPONSE 2

Please see attached spreadsheet (redacted-spreadsheet PDF-redacted)- please see the above exemptions which applies to redactions section 40(2).

- **Request 2A.** *Please explain how the reports fall to 'sensitive data'*

You have responded 'see above'.

See what above, and how is this relevant to the label 'sensitive data'?

On the basis 'above' refers me to 'info' held elsewhere' (s21), it appears to follow the information, being available (albeit elsewhere – as yet identified) it is not 'sensitive', it does not fall to data that should be withheld.

RESPONSE 2A

Personal data on the attached report has been redacted and an exemption applied.

- **Request 2B.** *advise what information can be provided with 'personal information' redacted, to include the data identified at subsections 'vi' to 'x' inclusive.*

You have responded 'see above exemption'.

You have only cited s21. Where/how is the information reasonably accessible by other means.

RESPONSE 2B

Please see attached report, personal data redacted, section 40(2) exemption above applies.



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Please note, every effort is made to ensure that the figures presented are accurate and complete.

Freedom of Information Act is a public disclosure regime, not a private regime. Any information disclosed under the Act is thereafter deemed to be in the public domain, and therefore freely available to the public and will be published on the Gwent Police website.

If, upon receiving a response to a freedom of information request, you are unhappy with the outcome, you may request an internal review. **This should be made within 40 working days of the initial response.**

Please direct any internal review requests to FOI@gwent.police.uk

You have the right to request an appeal from the Information Commissioners Office about your Freedom of Information request, if you are dissatisfied with your internal review response.

ICO Contact Details:

The Information Commissioner's Office, Wycliffe House, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113

Web: www.ico.org.uk

Thank you for your interest in Gwent Police.