

**Date: 16/09/2020**

**Our Reference: FOIA-2020-086**

## **RE: Freedom of Information Act 2000 Request**

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 20/07/2020 and amended on 14/08/2020 in which you requested:

- “
  - *From 2012 to the present, the names of the College of Policing’s licensed external partners - organisations and/or individuals - delivering accredited training for UCOs about intimate sexual relationships with those infiltrated and targeted.*
  - *From 2012 to the present, an overview of UCO course content for modules relating to intimate sexual relationships with those infiltrated and targeted.*
  - *From 2012 to the present, any case studies used in UCO training course content for modules relating to intimate sexual relationships with those infiltrated and targeted.”*

When a request for information is made under FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received. In

light of this, our responses and disclosures are published on our external website at a later date. This should be borne in mind where a request is made for personal data of named individuals.

## **Decision**

After conducting careful searches for any information relevant to your request I can neither confirm or deny that there is information held. However, your request is being partially refused under the following exemptions:

- Section 31 – Law Enforcement
- Section 38 – Health & Safety
- Section 23 – National Security

I will run through each question below in order from point 1 through to 3.

1. Please see attachment one.
2. No information held. The Freedom of Information Act is not designed to create information.
3. Information exempt using s31, s38, s23. Please refer to Appendix A for further detail.

A refusal notice is provided in **Appendix A**. I trust this letter answers your questions. Your rights are provided in **Appendix B**.

Yours sincerely,

**James Rose | Legal Advisor**  
**Information Management and Legal Team**  
**College of Policing**

Email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

Website: [www.college.police.uk](http://www.college.police.uk)

## **Appendix A**

### **Refusal Notice**

#### **Section 31(1) Law Enforcement**

##### **Factors favouring disclosure**

There is always a call for openness and transparency in relation to how funds are spent. Disclosing information relating to courses delivered to UCOs as part of their development in the role, would provide the openness and transparency required to improve public debate, that forces are proactively training their UCOs relating to intimate sexual relationships when undertaking the role of a UCO.

##### **Factors favouring non-disclosure**

The College of Policing, other law enforcement agencies and the Police Service generally work together to ensure the effective delivery of operational law enforcement. Disclosing the information requested in this case would enable terrorists and those intent on committing offences to try to use the information to gain an insight into covert policing numbers and ultimately the capability of these units which could be used as an advantage over police. Furthermore, this information to all intents and purposes is classed as operational intelligence and extremely sensitive and the disclosure of which would compromise the effective delivery of operational law enforcement, which may or may not be covert.

#### **Section 38(1) Health and Safety**

##### **Factors favouring Disclosure**

Disclosure would provide the general public with an awareness of what is expected of UCOs while they are deployed.

##### **Factors favouring Non-Disclosure**

As stated within the harm UCOs place themselves at considerable risk and the safety of our officers and staff is of paramount importance. To disclose the information requested, to the world, would undermine the capability of these operatives and has the potential to highlight human vulnerabilities of the operatives thereby placing their safety at risk.

The points above highlight the merits for disclosing and withholding the requested information. 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, specialist roles, such as UCOs are developed to target precise areas of policing.

Whilst there is a public interest in the transparency of policing and how public funds are allocated there is a very strong public interest in safeguarding the intricacies and tactical capabilities surrounding law enforcement and terrorism.

Furthermore, we also need to take into account the victims of crime. Public safety is of paramount importance and any information which would place individuals at risk and compromise National Security, no matter how generic, is not in the public interest. The effective delivery of operational law enforcement and the National Security of the United Kingdom is crucial and of utmost importance to College of Policing.

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

### **Section 23(5) National Security**

The College of Policing can neither confirm nor deny that it holds any other information with regard to an exempt body as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

Section 23(5) Information supplied by, or concerning, certain Security Bodies

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case.

Confirming or denying the existence of whether any other information is held would contravene the constrictions laid out within Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

## **Appendix B**

### **Rights**

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

### **The Information Commissioner**

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**

**Phone: 0303 123 1113**

Licensees for Covert A1 (Foundation Operative) 1 April 2016 – 31 March 2017

1. Devon and Cornwall Police
2. Thames Valley Police
3. West Yorkshire Police
4. Greater Manchester Police
5. Metropolitan Police Services
6. West Midlands Police
7. Leicestershire Constabulary
8. Essex Police

Licensees for Covert A1 (Foundation Operative) 1 April 2017 – 30 June 2020

1. Devon and Cornwall Police
2. Essex Police
3. Thames Valley Police
4. West Yorkshire Police
5. Greater Manchester Police
6. Metropolitan Police Services
7. West Midlands Police
8. Leicestershire Constabulary
9. Police Scotland
10. Police Service of Northern Ireland

Licensees for Covert A1 (Foundation Operative) 1 July 2020

1. Devon and Cornwall Police
2. Essex Police
3. Thames Valley Police
4. West Yorkshire Police
5. Leicestershire Constabulary
6. Metropolitan Police Services
7. Merseyside Police
8. West Midlands Police
9. Police Scotland
10. Police Service of Northern Ireland