

Date: 16th October 2020

Our Reference: FOIA-2020-112

RE: Your request for information under the Freedom of Information Act 2000

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated **22/09/2020** in which you requested:

“With regard to applications open only to internal applicants employed at the College, in the past 2 years how many applications have been received for these roles and what is the demographic break down of the applicant pool by Gender, Age and Ethnicity/Race?”

Decision

When a request for information is made under the 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.

After conducting careful searches for any information relevant to your request, under section 1(1), I can confirm that **information is held**. We have dealt with each part of your request separately below:

How many internal College applications have been received in the past 2 years?

Information held. There were 31 recruitment campaigns in the last 2 years, which advertised solely within the College. For these campaigns, 58 applications were received.

Demographic breakdown of applicant pool by: gender, age, and ethnicity/race:

Please find a demographic breakdown of the 58 applicants by age, gender, and ethnicity, below.

In order to protect the personal data of candidates, under section 40(2), the data from two age range categories, '51-60' and '60 & Over' have been combined. This is to ensure low figures are not revealed. Please find an explanation of our decision to combine these two categories, and consequently apply the exemption under section 40(2), towards the end of this letter.

Age Ranges	Total
21-30	7
31-40	9
41-50	16
51-60 and 60 & Over	26
Grand Total	58

Gender	Total
Female	35
Male	23
Grand Total	58

Ethnicity	Total
BAME	6
White	52
Grand Total	58

For context, in 2019, a new Diversity, Inclusion & Engagement (DIE) unit was created in the College. Previously, Diversity & Inclusion had been incorporated as part of a wider unit in the College, however, the individual unit was set up to allow for greater progression in regards to equality, diversity and inclusion.

Recently, two roles have been recruited for within the DIE unit at the College. These were:

- Diversity and Inclusion Manager – this post was open to applicants across the College, policing, and the wider Civil Service.
- Senior Diversity and Inclusion Adviser – this post was advertised internally to allow for internal promotion, if a candidate achieved the required standard. If the required standard was not achieved, the role would have been advertised again to the College, policing, and the wider Civil Service.

Please find an explanation of our decision to apply the exemption under section 40(2) below; your rights are provided at the end of this letter.

Yours sincerely,

Kate Kaufman | Legal Researcher
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Section 40(2) of the Freedom of Information Act 2000 – Personal Information

Section 40(2) FoIA states:

“Any information to which a request for information relates is also exempt information if-

- (a) It constitutes personal data which do not fall within subsection (1), and
- (b) Either the first or the second condition below is satisfied.”

Essentially, under section 40(2) FoIA (by virtue of section 40(3A)), personal data of a third party can be withheld if any of the data protection principles would be breached by disclosing that data. Personal data is defined in section 3(2) of the Data Protection Act 2018 (DPA) as being:

“Any information relating to an identified or identifiable living individual”.

Section 3(3) DPA defines an identifiable living individual as:

“a living individual who can be identified, directly or indirectly, in particular by reference to –

- (a) an identifier such as a name, an identification number, location data or an online identifier, or
- (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual”.

In line with the exemption under section 40(2), we have combined two categories of data in the age heading, as we believe releasing these categories of data individually, may lead to the indirect identification of individuals under section 3(3)(b) of the DPA 2018.

We have combined the two categories of data to prevent low figures being released, this allows us to reduce the risk of an applicant’s identity being determined. Although on its own, the release of low figures, may not lead to the identification of individuals, when coupled with other information which is, or may in the future be, released into the public domain, we consider there to be a significant risk of indirect identification. As a result, we have combined the two categories of data under the age heading.

The data protection principles are provided under Article 5 of the General Data Protection Regulations 2018 (GDPR). Article 5(1)(a) states that personal data shall be: “processed lawfully, fairly and in a transparent manner in relation to the data subject”. We are committed to openness and transparency and recognise the wider public interest in full disclosure of information held by the College. However, we also have a legal duty to ensure that the rights to privacy of individuals are protected and we do not believe that it would be fair to disclose the requested information.

We consider that the disclosure of the redacted information would not be fair, lawful or transparent and would therefore breach the first data protection principle under Article 5(1) (a) GDPR.

Your right of review

Under the Freedom of Information Act 2000 you have a right to request an internal review if you are dissatisfied with our handling of your request. Review requests should be made in writing (by email or post) within **40 working days** from the date of our original response. We will aim to respond to your review request within **20 working days**.

The Information Commissioner's Office (ICO)

If, after lodging a review request you are still dissatisfied, you may raise the matter with the ICO. For further information you can visit their website at <https://ico.org.uk/for-the-public/official-information/>. Alternatively, you can contact them by phone or write to them at the following address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113