



Date: 12/08/2020
Our Reference: FOIA-2020-079
Your Reference: n/a

Dear [REDACTED],

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 26/06/2020 in which you requested a breakdown of the pass rates of the new online assessment provided by the College of Policing.

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 confirm that there is information held. However, your request is being refused under the following exemption:

- Section 22 – information intended for future publication

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

Yours sincerely,

Melda Squires | Legal Advisor
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

Refusal Notice

The legislation: Section 22 - information intended for future publication.

- 1) Information is exempt information if –
 - a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
 - b) The information was already held with a view to such publication at the time when the request for information was made, and
 - c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

Section 22 allows for circumstances when it is reasonable and correct for public authorities to delay the provision of information until it is made generally available through publication. This provision is both a class-based and qualified exemption based. I am, therefore, required to consider the public interest test to determine whether the public interest lies in disclosing or withholding the requested information.

In considering the public interest in providing the information prior to its intended publication date, I note the public interest in transparency being demonstrated by releasing the information with this reply. Further I note that there is a public interest in public bodies providing information they hold that falls within the scope of an FOI request as quickly as possible. However, this needs to be balanced with the public interest in such a public body ensuring the maximum cost effectiveness and sharing accurate information. I am of the view that provision of this information in response to an FOI request prior to publication is not the most cost effective way of placing this information in the public domain, when it is going to be published in due course. It is anticipated that this information will be published early next year when all the evaluation processes are complete but this is subject to normal verification and publication processes.

Under the exemption provided by section 22 of the FoIA 2000, it must be reasonable in all the circumstances to withhold the information until the intended date of publication. Given the anticipated publication and that the necessary evaluation processes have not yet been completed, I have concluded that the public interest in withholding this information outweighs the public interest in releasing it prior to its intended publication.

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

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