

Date: 9th June 2021

Our Reference: FOIA-2021-061

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

I write in response to your Freedom of Information Act 2000 ('FoIA 2000') request, dated **26/05/2021**, in which you requested:

"How many reports were received about officers dismissed (and due to go on the barred list) were received by the College of Policing from Hampshire Constabulary in 2019, 2020 and so far in 2021?
How many names from those reports were added to the Barred List in each of the above years?
How many names were not added to the list after a decision by the College of Policing not to publicise the dismissal?
Please list all the names of Hampshire Constabulary officers added to the Barred List in 2019, 2020 and so far in 2021- noting the month they were added."

Decision

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.

In line with section 1(1) of the FoIA, I can confirm the College **holds some information** relevant to your request. For ease, each part of your request has been dealt with separately:

How many reports were received about officers dismissed (and due to go on the barred list) were received by the College of Policing from Hampshire Constabulary in 2019, 2020 and so far in 2021?

The College **does not** hold information regarding those 'due to go on the barred list'.

The College **holds** report information for 2019 – 2021. For **2019 and 2020**, please see the publicly available reports on dismissal figures, which can be accessed here:

<https://www.college.police.uk/ethics/barred-list>

The **2021** report is due to be published on the College website later this year. Consequently, the 2021 data will be withheld under section 22 – information intended for future publication.

How many names from those reports were added to the Barred List in each of the above years?

The College holds information for 2019 – 2021. For **2019 and 2020**, please see the publicly available reports on dismissal figures, which can be accessed here:

<https://www.college.police.uk/ethics/barred-list>

The **2021** data is due to be published on the College website later this year. Consequently, the data will be exempted under section 22 – information intended for future publication.

How many names were not added to the list after a decision by the College of Policing not to publicise the dismissal?

Information held. On the 28 May 2021, there were 30 police officers or special constables not published on the publicly available Barred List.

Please list all the names of Hampshire Constabulary officers added to the Barred List in 2019, 2020 and so far in 2021- noting the month they were added.

The College holds this information, however, under the section 40(2) – personal information exemption, it will be withheld in its entirety.

Your rights can be found at the end of this letter. Please find an explanation of our decision to apply both exemptions below.

Yours sincerely,

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Information Management and Legal Team
College of Policing**
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Section 22 – information intended for future publication

Section 22 states:

- (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).

In relation to the 2021 barred list figures, I acknowledge that there is a public interest in sharing the information in a timely manner. However this must be balanced with the public interest in a public body providing the data in a cost effective way.

I do not consider that publishing this information in response to an individual FoIA request, when there is a settled intention to publish in the near future, is the most cost effective or efficient method of publishing this information. I therefore consider that the public interest lies in withholding this information at this stage.

The application of section 22 requires it to be reasonable in all of the circumstances to withhold disclosure until the intended date of publication. Given that the necessary evaluation and formatting of the data is yet to take place, and taking into account that the current intention is to publish the report towards the end of 2021, I am of the view that it is reasonable to withhold the information until the intended date of publication.

Section 40(2) – Personal information

Section 40(2) states that:

“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”.

As is stated above, the two main elements of personal data are: that the information must ‘relate’ to a living person and that the person must be identifiable. Information will relate to a person if it is: about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, and has them as its main focus or impacts on them in any way.

We consider that releasing the names listed on the Barred List would lead to the direct identification of a living individual, and would therefore breach data protection principles laid out in the Data Protection Act 2018. Any member of the public can search for an individual on the Barred List by entering a first and last name. As the Barred List works on a rolling basis, with names regularly being added and taken off, we believe it would be unfair to crystalise publicly, a full list of names, which may in due course, be changed.

We are committed to openness and transparency, and recognise the wider public interest in the Barred List. 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 names in the requested information.

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