

Date: 8th July 2021

Our Reference: FOIA-2021-072

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 05/07/2021, in which you requested:

"Provide the current barred list for the Met police service.

If possible, it should be in alphabetical order, by surname.

Please include the detail in the barred list -

First name

Middle name -

Last name

Police force

Officer/special type Police Officer –

Officer rank

Date of dismissal

Reason for dismissal

Dismissal published"

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 information relevant to your request. However, the information has been withheld in its entirety under the section 40(2) – personal information exemption.

Your rights can be found at the end of this letter. Please find an explanation of our decision to apply section 40(2) below.

Yours sincerely,

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

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

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 information on the Barred List, as requested above, may lead to the direct or indirect 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 crystallise publicly, a full list of details, 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