

Date: 27/07/2021

Our Reference: FOIA-2021-063

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 11/06/2021:

“Please provide me with the following NCALT e-learning packages: Anti-Social Behaviour: Your Powers, Channel General Awareness, Display Screen Equipment (DSE) e-learning, Equality Act 2010, Fire Safety e-learning, Freedom of Information, Manual Handling e-learning, Missing Daughter, National Decision Model for Policing, Public Protection – Abusive Relationship, Public Protection – Family Disturbance, Public Protection – Man in Distress, Stop and Search, Stop and Search Assessment, Transportation of Arrested Persons, Victims’ Code, Workplace Safety E-learning”

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 partial information held. However, some information has been redacted under the following exemption:

- Section 40(2) – personal information. Information redacted under this exemption has been clearly identified in the disclosure documents; a full explanation for our decision to apply Section 40(2) has been provided towards the end of this letter.

For ease, we have dealt with each part of your request separately:

Anti-Social Behaviour: Your Powers

- Information held. Please see disclosed documents.

Channel General Awareness

- Information held. Please see disclosed documents.

Display Screen Equipment (DSE) e-learning

- Information held. Please see disclosed documents.

Equality Act 2010

- Information held. Please see disclosed documents.

Fire Safety e-learning

- Information held. Please see disclosed documents.

Freedom of Information

- Information held. Please see disclosed documents.

Manual Handling e-learning

- Information held. Please see disclosed documents.

Missing Daughter

- Information held. Please see disclosed documents.

National Decision Model for Policing

- Information held. Please see disclosed documents.

Public Protection – Abusive Relationship

- Information held. Please see disclosed documents.

Public Protection – Family Disturbance

- Information held. Please see disclosed documents.

Public Protection – Man in Distress

- Information held. Please see disclosed documents.

Stop and Search

- Information held. Please see disclosed documents.

Stop and Search Assessment

- Information held. Please see disclosed documents.

Transportation of Arrested Persons

- No information held.

Victims' Code

- Information held. Please see disclosed documents.

Workplace Safety E-learning

- Information held. Please see disclosed documents.

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I trust this letter answers your questions. Please find an explanation for our decision to apply Section 40(2) at **Appendix A**. Your rights are provided in **Appendix B**.

Yours sincerely,

Ellie Watson | Legal Advisor

Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A
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 of individuals contained within the disclosure document may lead to the direct identification of a living individual, therefore breaching data protection principles laid out in the Data Protection Act 2018.

We are committed to openness and transparency, and recognise the wider public interest in details of College employees, however, we also have a legal duty to ensure that the right to privacy of individuals is protected. Consequently, we do not believe that it would be fair to disclose the names in the requested information. Therefore, we have redacted the names.

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