

**Date: 25 October 2021**  
**Our Reference: FOIA-2021-113**

**RE: Your request for information under the Freedom of Information Act 2000 (“FOIA 2000”)**

I write in response to your Freedom of Information Act 2000 request dated 4<sup>th</sup> October 2021 in which you requested the following information:

Please could I request the information of the names of Dorset Police officers placed on the Barred List?

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

In line with section 1(1) of FOIA 2000, I can confirm that we do hold the information you have requested however the information has been withheld in its entirety under the section 40(2) – personal information exemption.

The legislation: Section 40(2) – personal information

“2) 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”

Under section 40(2) by virtue of section 40(3A)(a), personal data of a third party can be withheld if it would breach any of the data protection principles to disclose it.

Personal data is defined in section 3(2) of the Data Protection Act 2018 (DPA) as:

‘any information relating to an identified or identifiable living individual (subject to subsection (14)(c)).’

Section 3(3) of the 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”.

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, or has them as its main focus or impacts on them in any way.

In this instance, the information ‘relates to’ the names of individuals contained on the Police Barred List. It is the College’s view that the information requested would fall within the definition

of 'personal data' as the requested information relates to living individuals and they are identifiable from that information.

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. As agreed with the regulator at the time of its inception, 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.

The College of Policing does accept that releasing this information would reinforce the College's commitment to being an open and transparent organisation, serving to maintain public confidence in the College and the wider police service. However, we also have a legal duty to ensure that the rights to privacy of individuals are protected. On balance the College of Policing does not consider that the legitimate public interest would outweigh the interests of the data subject in this case and that it would not be fair to put this information in the public domain.

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

Yours sincerely,

**Legal Services**  
**College of Policing**

Email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

Website: [www.college.police.uk](http://www.college.police.uk)

## **Appendix A**

### **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 our original response, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: [FOI@college.pnn.police.uk](mailto: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's Office (ICO)**

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, you can contact them by telephone or write to them at the following address:

#### **Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**

**Phone: 0303 123 1113**