

Date: 17 December 2021

Our Reference: FOIA-2021-149

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 28 November 2021 and received by the College on 13 December 2021, which stated the following:

"It is my understanding that The College of policing has produced a policy on how the police should respond to instances of stalking where the victim has been stalked, without their knowledge, over a considerable length of time. I am writing to request a copy of all policy documents pertaining to this."

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.

Decision

In order to consider your request under the FoIA 2000 we require clarification on the information you are seeking. Your request asks for held information about 'how the police should respond to instances of stalking where the victim has been stalked, without their knowledge, over a considerable length of time'. I

am unsure of the circumstances you are referring to. An offence of stalking requires there to have been harassment. Harassment is defined as including alarming the person or causing the person distress, which would suggest that the person would need to know they were being stalked in order to be caused alarm or distress. However, there is no requirement for the person to know the stalker or to be aware that the behaviour amounted to stalking.

You may find the information available in our Authorised Professional Practice (APP) on stalking useful in determining whether it provides you with the information required, or assists in clarifying your request. It can be accessed at the following site:

<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/stalking-or-harassment/>

I have also enclosed a copy of the most recent advice to investigators on the effective investigation of stalking and harassment.

I hope this assists with your request. Your rights are provided in **Appendix A**.

Yours sincerely,

Sarah Lawrence | Legal Advisor
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: 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 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