

**Date:** 4 February 2022

**Our Reference:** FOIA-2022-014

**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 19/01/2022, in which you requested:

- “1. Whether CoP formally recognises the role of Independent Legal Observers (ILOs) at protests and public assemblies. What is CoP’s official position regarding ILOs?
2. What (if any) actions does CoP take to protect the role of Independent Legal Observers at protests and public assemblies.
3. Any training documentation, relevant meeting minutes or internal documents regarding Independent Legal Observers, or used to train officers on how to treat ILOs.
4. Any training documentation, relevant meeting minutes or internal documents regarding Independent Legal Observers, or used to train officers on how to treat ILOs in light of COVID restrictions during national lockdowns.”

**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 recorded information** relevant to your request:

- 1. Whether CoP formally recognises the role of Independent Legal Observers (ILOs) at protests and public assemblies. What is CoP’s official position regarding ILOs?**

The College is aware that 'legal observers' are often present and identifiable at modern protests, however, no information is held in relation to an official position relating to ILOs.

**2. What (if any) actions does CoP take to protect the role of Independent Legal Observers at protests and public assemblies.**

No information held.

**3. Any training documentation, relevant meeting minutes or internal documents regarding Independent Legal Observers, or used to train officers on how to treat ILOs.**

The College holds one document relevant to part 3 of your request, the National Police Chiefs' Council (NPCC) Protest Operational Advice Document.

However, under the section 22 – information intended for future publication exemption, we will be withholding this document in full due to the intention to publish it in Spring 2022. For a full explanation of our decision to apply section 22, please see below.

**4. Any training documentation, relevant meeting minutes or internal documents regarding Independent Legal Observers, or used to train officers on how to treat ILOs in light of COVID restrictions during national lockdowns**

No information held.

Your rights can be found at the end of this letter.

Yours sincerely,

**Kate Kaufman | Legal Advisor**  
**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 NPCC Protest Operational Advice Document, we acknowledge that there is a public interest in sharing policing advice documents in a timely manner. However this must be balanced with the public interest in a public body providing the information in a cost effective way.

As there is a settled intention to publish this document in Spring 2022 on the NPPC's website, which appears to be most cost effective and efficient method of publishing this information, we 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 intention is to publish the document in the near future, we are of the view that it is reasonable to withhold the information until the intended date of publication, which as stated above, is intended to be Spring 2022.

## **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**