

**Date:** 20 May 2021  
**Our Reference:** FOIA-2021-047

**RE: Freedom of Information Act 2000 Request**

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 22 April 2021 in which you requested us to disclose a list of all online learning available on our managed learning environment.

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**

After conducting careful searches for any information relevant to your request I can confirm that the College of Policing does hold the information requested however this information has not been disclosed to you as section 14 of the FoIA 2000 is engaged. Under section 14 of the FoIA

2000, a public authority is not obliged to comply with a request for information if the request is vexatious.

It is important for me to explain that vexatious in this context has a specific meaning and relates to the request itself. The Information Commissioner's Office (ICO) has provided guidance on the use of the exemption, under which it states that the public authority must ask itself whether the request 'is likely to cause a disproportionate or unjustified level of disruption, irritation or distress'. It goes on to provide indicators of when a request may be considered vexatious, one of which is the burden it would place on the authority. This means that the 'effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requestor'.

The request asked for all content on the MLE. Careful searches showed that there are around 5000 individual items on the MLE. Some of this information is restricted to specific audiences and some of the information is information that has not been produced by the College but is instead hosted on the MLE by a third party.

While I appreciate that you have confirmed that the request is only for the titles and not the content, I would still need to review every title to ensure that the information doesn't engage any of the other exemptions under the Act. By way of an example, without reviewing all of the information I would be unable to confirm whether there was any reference to sensitive tactical information that would be exempt under section 31 (law enforcement), personal information that would be exempt under section 40(2) or any information that might engage the exemption under section 43 that relates to commercial interests. It is also important for me to reiterate the paragraph stated above, that a disclosure under the Act is considered to be a disclosure to the world at large and therefore any request needs to be considered in this context.

Given the significant amount of time that it would take to review the material, redact it if required, and consult with third parties if necessary regarding disclosure, I consider that this would place such a significant burden on the College with regards time and resources that it engages the exemption under section 14 of the Act.

The College of Policing is committed to being open and transparent and therefore I would invite you to review your request and consider whether it could be refined in a way that would enable us to consider it within the parameters of the legislation. You may, for example, consider whether there is a specific topic that you are interested in receiving information on. While any new request would still be subject to the provisions and exemptions in the Act, refining the scope may help to reduce the burden on the College and increase the likelihood of us being able to assist in providing the information requested.

I trust this letter answers your questions. 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](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 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](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**

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**