

You requested:

*'Details of how the Office of the Police and Crime Commissioner for West Yorkshire meets each of the 25 transparency requirements specified within appropriate legislation.'*

The Office of the Police and Crime Commissioner (OPCC) for West Yorkshire publishes the information you have requested on our website at [www.westyorkshire-pcc.gov.uk](http://www.westyorkshire-pcc.gov.uk).

I can confirm that the OPCC currently holds the majority of information requested however, I regret to inform you that Office of the Police and Crime Commissioner for West Yorkshire cannot comply with your request in full. This letter serves as a refusal notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

- (1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant a notice which:-
  - (a) states the fact,
  - (b) specifies the exemption in question, and
  - (c) states (if that would not otherwise be apparent) why the exemption applies.

#### REASON FOR DECISION

The reasons that we are unable to provide you with this information are covered by the following exemptions:

#### **Section 21 – Information reasonably accessible by other means.**

Section 21 states that:

- (1) Information which is reasonably accessible to the applicant otherwise than under s1 is exempt information.
- (2) For the purposes of subsection (1)-
  - a. Information may be reasonably accessible to the applicant even though it is accessible only on payment, and
  - b. Information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

This exemption is an absolute, classed based exemption.

The majority of information that you have requested may be found on our website [www.westyorkshire-pcc.gov.uk](http://www.westyorkshire-pcc.gov.uk).

## **Section 22 – Information intended for future publication.**

There is one exception for which we are applying Section 22.

Section 22 states that:

- (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).
- (2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

This exemption is a qualified, classed-based exemption which is subject to a public interest test. This means that, in order to apply the exemption, a public interest test must be conducted.

The first exception is the OPCC Annual Report which is due for publication.

The public interest in disclosure of the above information includes:

Factors in favour of disclosure:

- (a) Promotion of transparency, accountability and public understanding of the role of the Police and Crime Commissioner
- (b) Allowing public scrutiny of activity and achievements of the first four months of office and involvement in the democratic process

Factors against disclosure:

- (a) The publication date is imminent
- (b) There is a duty to present the Annual Report to the West Yorkshire Police and Crime Panel before it is published

On balance, we have concluded that the arguments in favour of disclosure are outweighed by those against disclosure and, as a result, information has not been disclosed at this point in time. The Annual Report will be published on the website once it has gone to the West Yorkshire Police and Crime Panel, whose next meeting is on 8 November 2013.

The second exception is copies of contracts over £10,000. This information is currently not held by the OPCC but is scheduled for publication at a future date.

You have requested the link to copies of contracts over £10,000, which we do not currently hold but which is in progress. The source of this information is the Yorkshire and Humber Regional Procurement Unit. Due to the volume of contracts affected, they have given an undertaking that existing contracts with a current end date in 2014 will be published by December 2013. For contracts

due to expire after 2014, these will be published by March 2014. The above timescales are clearly stated on the website.