

Please find enclosed a number of documents further to your request of 4 September 2014 for the following information:

1. Correspondence (letters, emails and notes of phone conversations) and notes of meetings between the Police and Crime Commissioner (or his representative) and local police forces on the implementation of 20 mph zones in West Yorkshire.
2. Correspondence (letters, emails and notes of phone conversations) and notes of meetings between the Police and Crime Commissioner (or his representative) and local authorities (officers and elected members) on the implementation of 20 mph zones in West Yorkshire.

It has been necessary to apply exemptions to some parts of the information which is being disclosed to you. Section 17 of the Freedom of Information Act states that:

- (1) A public authority which, in relation to an request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying within Section 1(1) give the applicant a notice which:
 - (a) States the fact,
 - (b) Specifies the exemption in question, and
 - (c) States why the exemption applies.

The reason why we are unable to provide this information is because we consider the following exemptions apply:

SECTION 40 – PERSONAL INFORMATION

Section 40 (1) states that any information to which a request has been made is exempt information if it constitutes personal data of which the applicant is the data subject. This exemption is absolute. As a result, your own personal information has not been released in this response. That is because an FOI disclosure is considered a disclosure to the world and is published on the OPCC website for others to see.

Section 40 (2), (3) (a) (i) states that any information to which a request relates is exempt information if its disclosure would contravene any of the data protection principles. The first data protection principle states that personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:

- (a) At least one of the conditions of schedule 2 is met, and
- (b) In the case of sensitive personal data, at least one of the conditions in schedule 3 is also met.

Section 40 (2) is a class based exemption, and provides an absolute exemption where disclosure of the personal data would breach the Data Protection principles. Where personal information has been redacted in this case, the OPCC considers that disclosure of the personal information would breach the first principle of the Data Protection Act, in that it would not be 'fair and lawful' to the data subject.

Some information has been redacted or withheld when it constitutes the personal information of members of the public who have contacted the Police and Crime Commissioner for assistance. The OPCC has a duty of care and confidentiality to individual members of the public who would have a reasonable expectation that their correspondence would not be shared widely.

Whilst there is a public interest in the accountability of public servants, it is not considered that the disclosure of individual names and personal information would add value in this case. Some names have been included, however, where they relate to individuals in a senior, public position. In these cases the expectation of privacy is lower, there is an increased threshold for accountability and, given the risks to which their public position necessarily exposes them, it is not considered that this would be exacerbated by disclosure.

SECTION 31 – LAW ENFORCEMENT

Section 31 states that:

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to prejudice:
 - (a) The prevention or detection of crime
 - (b) The apprehension or prosecution of offenders
 - (c) The administration of justice

This exemption is a qualified, prejudice based exemption which is subject to a public interest test. This means that, in order to apply the exemption, an assessment of prejudice must be made and, following this, a public interest test.

In assessing prejudice a three step process has been followed (as noted in Hogan v the ICO & Oxford City Council). Firstly, the applicable interest should be identified and, in this case, this is the prevention or detection of crime and the apprehension or prosecution of offenders.

Secondly, the nature of the prejudice should be identified. In this case it is considered that the prevention or detection of crime and the apprehension or prosecution of offenders *would be likely* to be prejudiced by the disclosure of this information. This assessment is based on the fact that the information identifies operational policing matters and, in particular, operational constraints. Prejudice would be likely as a result of:

- (a) Identifying the proposed level of police resourcing or constraint according to geographic location or crime type may adversely impact on public confidence and the perception of how the Force investigates offences such that people are less willing to report crime or provide intelligence and so less criminality is deterred or detected.
- (b) Identifying police resourcing or constraints according to geographic location or crime type may mean that higher levels of crime are likely if it is believed that enforcement will not take place.
- (c) Identifying the resourcing and constraints identified by community safety partners according to geographic location or crime type may adversely impact on public confidence and crime levels such that the police's prevention or detection of crime and apprehension or prosecution of offenders is adversely affected.

Thirdly, an assessment of the likelihood of prejudice should be made. It is considered *likely* that prejudice would occur. This is based on an assessment that the ways that West Yorkshire Police have worked with partner organisations to respond to community safety concerns is particularly newsworthy and likely to be widely reported and commented on in the public domain.

In assessing whether an exemption can be applied under Section 31 of the Freedom of Information Act 2000 a public interest test has been conducted which assesses the public interest in disclosure against that of non-disclosure.

The public interest in full disclosure of this information includes:

- (a) Increasing the understanding of the work which the police undertakes with partner organizations to keep the West Yorkshire community safe and feeling safe.
- (b) Increasing the understanding of the resourcing challenges faced by West Yorkshire Police and its partners.

The public interest against full disclosure of this information includes:

- (a) Compromising law enforcement and the detection and prevention of crime by identifying police resourcing levels relating to specific crime types and geographical locations.
- (b) Damaging public confidence which may lead people to feel less safe and have a greater fear of crime.
- (c) Damaging police and other community safety partner relationships which may have a detrimental impact on the Police's ability to apprehend offenders, detect and prevent crime.

On balance, we have concluded that the arguments in favour of disclosure are outweighed by those against disclosure and, as a result, some information has been withheld.