

22 January 2025

FOI Ref 17661

Request - You asked us the following:

This is a freedom of information request. I would like to be sent the following information:

I would like to receive copies of:

- Guidance issued - internally and/or externally - for police as a result of the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023.
- Consultation responses or feedback, including via letter, emails or briefings, provided to the government regarding the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023

I note that related to both points above that under the FOI Act I do not have to request specific documents, but that it is your responsibility to help me access the information I require. If there is anything unclear about this request, or there is anything you need to clarify with me in order to be able to provide the fullest response possible, or I need to refine my request in some way to make it feasible for you, please do not hesitate to contact me.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Regulations. I will also expect you to release all non-exempt material. If any information is refused, please provide an explanation of how much is being held and what type of information it is.

Please confirm you have received this request and will respond within 20 working days.

We received your request on 13/01/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

Staffordshire Police holds/does not hold the requested information.

- Guidance issued - internally and/or externally - for police as a result of the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023. – **Partially disclosed, please see accompanying file titled 'FOI 17661 Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023 Guidance and Consultation Internal Data.PDF'**.
- Consultation responses or feedback, including via letter, emails or briefings, provided to the government regarding the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023 – **No information held.**

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for parts of this particular request.

The following exemption has been applied:

- Section 31 (1) (a) (b) - Law Enforcement.

Information is exempt from disclosure under S31 (1) (a) (b) where the release of Information would, or would likely to, prejudice the prevention and detection of crime and/ or the apprehension or prosecution of offenders. This exemption is qualified and prejudice-based and, as such, we are required to evidence the harm in disclosure and apply the public interest test

- Section 40(2) Personal Information

Section 40(2) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third-party information held by Staffordshire Police, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

Harm:

To provide the operational and tactical tools used by Staffordshire Police could undermine existing or future investigations, operations and police tactics. It would allow those with ill intent to cause disruption to operational policing and prejudice the prevention and detection of crime.

Public Interest Test

Factors favouring disclosure under Section 31(1)(a)(b)

To disclose this information would adhere to the basic principle of being open and transparent, it would also lead to a better public awareness of the workings of the police force and the communications used with operations and during routine policing.

Factors favouring non-disclosure under Section 31(1)(a)(b)

Releasing such data would give those individuals with the intent to do so, the intelligence required to disrupt police activity. This knowledge would allow those with ill intent to target their offending more effectively which would inevitably lead to an increased likelihood of criminal activity and an increased danger to the public. Any disclosure of information which is likely to undermine the ability to serve the public in preventing and detecting crime can only be considered as being harmful to the public.

Balance test



When considering whether disclosure is appropriate, we must weigh the strongest reason for disclosure against the strongest reasons for non-disclosure. In this case, whilst the factors favouring disclosure are important in that it would adhere to the basic principle of being open and transparent, we believe when weighed against the risk of disclosure undermining our ability to prevent and detect crime and hindering our ability to protect the public, then non-disclosure takes precedence.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal



STAFFORDSHIRE
POLICE

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information

Central Disclosure Unit