



19<sup>th</sup> February 2018

### **Freedom of Information Request Reference N<sup>o</sup>: FOI 000402/18**

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 26<sup>th</sup> January 2018 in which you sought access to the following information:

- 1 The number of vehicles registered on or prior to 1 January, 1995 still being used for police duties
- 2 Details of the make and model of any vehicles registered on or prior to 1 January, 1995 still being used for police duties

### **Response to your Request**

The response provided below is correct as of 29<sup>th</sup> January 2018.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

The Constabularies have a Honda Civic which is used for firearms scenario training purposes only. This is not used on the roads.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabulary, when refusing to provide such information (because the information is exempt) are to provide you the applicant with a notice ban which:

- (a) States that fact
- (b) Specifies the exemption(s) in question and
- (c) States (if that would not otherwise be apparent) why the exemption(s) applies.

The information is exempt from disclosure by virtue of the following exemption(s);

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

Section 31 is a qualified and prejudice based exemption and I am therefore obliged to articulate the harm in this information being disclosed and assess the public interest in disclosure.

### Harm for section 31

Norfolk and Suffolk Constabularies use unmarked and covert Police vehicles for anonymity where there is an operational requirement to do so. Sensitive investigations requiring such tactics will be compromised should offenders have previous fleet knowledge.

This would undermine the law enforcement capabilities of the Constabularies and therefore it is confirmed that Section 31 is engaged.

### Section 31- factors favouring disclosure

Information that relates directly to the operational effectiveness and efficiencies of the Constabularies is a positive factor favouring disclosure. The public have a right to know that they are being protected in an appropriate and diligent manner.

Knowledge of the Constabularies capability will ensure transparency is maintained and the public can identify how funds are being appropriately spent and for what purpose.

Public knowledge of the Constabularies will ensure informed public debate, retaining the Constabularies open and honest approach.

### Section 31 - factors favouring non-disclosure

Disclosure of information that can affect the current and future law enforcement capabilities of the Constabularies will always favour non-disclosure. This would invariably provide criminals with advanced knowledge as to the Constabularies capacity with regards to covert Policing.

Although public knowledge of the Constabularies capabilities is a positive factor, this is not unlimited and there are aspects of Policing that must remain intact to ensure the process is not undermined by FOI disclosures. Covert Policing is an essential tactic used by Police Forces across the Country and it is vital that the integrity this tactic is retained.

### Balancing test

Public knowledge of how funds are being spent and assurance that the Police service are doing all they can to ensure public safety is maintained, is always a positive factor in disclosure.

On balance however, disclosure of this nature is more likely to have the opposite affect causing the criminal fraternity to have prior knowledge of undercover Police operational capabilities, compromising the prevention and detection of crime.

The Police Service has a duty to ensure public safety is never compromised and disclosures under FOI should always ensure this is maintained.

The Constabularies consider that the provision of the overt fleet list will satisfy the public interest.

It is the Constabularies decision that the balance lies in non-disclosure and the application of the exemptions is maintained.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>  
<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;  
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the  
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker  
Information Management Department  
Norfolk Constabulary  
Operations and Communications Centre  
Jubilee House  
Falconers Chase  
Wymondham  
Norfolk NR18 0WW  
OR  
Email: [freedomofinformation@norfolk.pnn.police.uk](mailto:freedomofinformation@norfolk.pnn.police.uk)*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply 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 [www.ico.org.uk](http://www.ico.org.uk) or contact them at the address shown below:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 700