



Freedom of Information Request Reference N^o: FOI 001864-18

I write in connection with your request for information received by Norfolk and Suffolk Constabularies on the 29 May 2018 in which you sought access to the following information:

“Pursuant to section 1(1) of the Freedom of Information Act 2000 I should be grateful if you would provide an updated response i.e. confirm whether any of your officers are now authorised to use ‘spit hoods’, ‘spit guards’ or similar devices and if so provide any documents at referenced at (a) below which have been generated since you responded to our request in 22 August 2016. Similarly, if none of your officers are now authorised to use spit hoods, etc then please provide any documents referenced at (b) below which have been generated since you responded to our request in 22 August 2016.

Previous Request

Pursuant to section 1(1) of the Freedom of Information Act 2000 I should be grateful if you would confirm whether any of your officers are authorised to use ‘spit hoods’, ‘spit guards’ or similar devices as described at pages 82 and 83 of Module 4 of the ACPO Personal Safety Manual.

(a) *If some or all of your officers are authorised to use a spit hoods please provide copies of:*

- (i) *Your equality impact assessment(s) concerning the use of spit hoods;*
- (ii) *Guidance and training documents issued to officers concerning the use of spit hoods;*
- (iii) *Minutes of meetings at which the use of spit hoods was discussed;*
- (iv) *Risk assessments regarding the use of spit hoods;*
- (v) *Internal and external correspondence regarding the use of spit hoods.*

(b) *If none of your officers are authorised to use spit hoods please:*

- (i) *Confirm the rationale for this position and provide any documents recording the same;*
- (ii) *Provide any documents which were considered in the course of reaching this decision e.g. risk assessments, expert advice, etc;*
- (iii) *Provide minutes of meetings at which the decision not to authorise the use of spit hoods was discussed;*
- (iv) *Provide documents detailing training provided to your officers on the techniques they should employ to mitigate the risk of spitting;*
- (v) *Internal and external correspondence regarding the decision not to use of spit hoods.”*

Response to your Request

The response provided below is correct as of 29 May 2018

Norfolk and Suffolk Constabularies have considered your request for information and our response is below.

Suffolk and Norfolk Constabularies continue to have access to Spit Guards and the answers below are relevant to part a) of the request.

- i) Suffolk and Norfolk Constabularies do not have an equality impact assessment
- ii) The current risk assessment is attached.

Names of two individuals have been redacted as a result of exemptions within the Act. Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk Constabulary, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice 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 40(2) – Personal Information

Section 40 is an absolute; class based exemption and applies to third party personal data. This would not be released under the FOIA unless there is a strong public interest. This is because any release would breach the Principles contained within Article 5(1) of the GDPR and Part 2 of the Data Protection Act 2018.

One of the main differences between the Data Protection Act and the Freedom of Information Act is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third party personal data, is exempted unless there is a strong public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life.

Principle a of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. In this case the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification, or equally led to an individual being wrongfully identified as a suspect.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing requirement for the processing of the information and would not be lawful or fair to the individuals in question.

It is for these reasons outlined above; that I feel the principle a would be breached by this disclosure and the Section 40 exemption remains in place. I am not obliged to consider any further principle in my arguments.

This is an absolute, class-based exemption and, as such, there is no requirement to consider the public interest test.

iii) Meeting Minutes - 29/01/14 Agenda Item

CH requested CW check that plastic-coated spit hoods are not being used and advise CH if contrary	CW stated training is needed for Custody staff in the use of spit hoods; this has commenced in Suffolk. There are 2 types of hood - translucent and plastic-covered. Breathing cannot be monitored as effectively with plastic-covered hoods. 04.04.14 Old style plastic-covered "POL-i-VEIL" spits hoods have been removed from all PICs in Norfolk and Suffolk and replaced with a new clear style hood which enables breathing to be monitored; risk assessment performed and training has commenced. Item to be removed.
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iv) No change from previous response

v) Correspondence regarding the use of spit hoods is as follows:

- September 2016 Minutes – Association of Police Health and Safety Advisors

<p>National Update Information was provided in relation to spit hoods.</p> <p>Lesson to be learned.</p> <p>Spit hoods and the evacuation of detainees, including the issues surrounding detention officers and handcuffing, including the imminent 'new' use of force processes/software.</p>

- 09 January 2017 – National Update on Spit and Bite Guards (attached)

In addition to the above our Personal Safety Trainers will cover the detail on safe use of spit hoods and this will follow the detailed in the College of Policing – Personal Safety Manual. A redacted version of this should be available on the [College of Policing website](#). see page 82 of the Module 04: Medical Implications.

I also note that a similar request was submitted in 2016 and the response issued at the time may well be relevant at this point in time:

https://www.suffolk.police.uk/sites/suffolk/files/003158-16_spit_hood_use.pdf

Should you have any further queries concerning this request, please contact Clair Pack, 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
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.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 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