



WEST YORKSHIRE POLICE

Information Management

Freedom Of Information

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Wednesday 1 August 2012

Dear **Section 40**

FOI Reference No: FOI-20123/171555

Thank you for your request for information received by West Yorkshire Police on 13 February 2012.

You requested the following information:

1. Do West Yorkshire Police have any unmanned aerial vehicles in operation at this time?
2. If so, how much did they cost to maintain, operate, repair and to train staff to use in 2011?
3. If not, have West Yorkshire Police trailed unmanned aerial vehicles?

Unfortunately West Yorkshire Police are unable to answer your request because it relates to Operational Policing. The type of information is exempted under section 23(5) which covers Information relating to Security Bodies and section 31(3) which covers Law Enforcement.

I have included a full legislative explanation as to why West Yorkshire Police can neither confirm nor deny whether any information is held in Appendix A. Please note that this should not be taken as an indication that the information you requested exists or does not exist.

Please accept our apologies for the delay in dealing with your request.

COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided, please read the advice notice attached to this letter. If you do wish to take up your right of complaint, please remember to quote the reference number above in any future correspondence.

Yours sincerely

Julia Jones
Freedom Of Information

pp Steven Harding
Head of Information Management

The West Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, West Yorkshire Police Headquarters, PO Box 9, Laburnum Road, Wakefield WF1 3QP.

Appendix A

Our ref: FOI-20123/171555

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

DECISION

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.

REASONS FOR DECISION

The West Yorkshire Police Service can neither confirm nor deny that it holds the information you requested as the duty in S1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemption(s):

- **Section 23(5) Information relating to security bodies listed at Section 23(3)**

Section 23(5) Information supplied by, or relating to, Bodies dealing with Security Matters Section 23(5) is a class-based absolute exemption and there is no requirement to consider the public interest in this area. This exemption is engaged as West Yorkshire Police are unable to confirm or deny that any information is held which originated, or relates to an exempt body. The engagement of this exemption is not an inference that such information is, or is not held.

- **Section 31(3) Law Enforcement**

Section 31(3) is a qualified and prejudice based exemption and as such I am required to evidence the harm that may be caused by disclosure and consider the public interest in neither confirming nor denying that further information exists.

Harm

Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. To confirm or deny that West Yorkshire Police hold any information in relation to your request would inform those engaged in criminal activity whether West Yorkshire own or have trialled unmanned aerial vehicles and therefore whether this facility is used in a law enforcement capacity.

Factors favouring confirmation

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities they serve; there is a public interest in the transparency of policing operations to ensure investigations are conducted appropriately. Knowledge of the full range of investigatory tools enables more accurate public debate and transparency.

Factors against confirmation of any information.

Modern-day policing is intelligence led and the Police Service relies on new methods available to them to prevent and detect crime. By confirming or denying that West Yorkshire Police hold any information in relation to your request would educate those intent on committing crime to enable them to take countermeasures. It would also enable criminals to ascertain areas of police activity, making it easier to commit crime and evade prosecution.

Balancing Test

I am satisfied that the balance of public interest lies in maintaining the exclusion of the duty to confirm whether information is or is not held by West Yorkshire Police.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of Law Enforcement this will only be overridden in exceptional circumstances. It is our opinion that for these issues the balancing test for disclosure is not made out.

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

COMPLAINT RIGHTS

1. Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require West Yorkshire Police to review their decision. Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

2. Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a complaint to have the decision reviewed.

A West Yorkshire Police independent review panel, which will be made up of a Senior Police Officer and a representative from the Force Solicitor's Office, will deal with this appeal in the first instance. Both are fully trained in interpreting the Freedom of Information legislation and neither person on the Appeals Review Panel will ever have been involved in dealing with your initial request.

Complaints should include the FOI reference number, be made in writing or email and addressed to:

foi@westyorkshire.pnn.police.uk

or

West Yorkshire Police
FOI Appeals Panel
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances West Yorkshire Police will aim to respond to your complaint within twenty working days.

4. The Information Commissioner

If you are still dissatisfied with the decision after the review by the West Yorkshire Police Appeals Panel, you may then make an application 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.gov.uk.

Alternatively, phone or write to:

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