

Our Ref: 005139/17



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

27 July 2017

Dear

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 30/06/2017.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

Under S 21 (1) of the Freedom of Information Act 2000 (FOIA), Nottinghamshire Police as a public authority is not required to disclose information which is reasonably accessible by other means.

1) What measures are in place to prevent officers abusing their position by committing police resources to harass/stitch-up etc., members of the public who have got on the wrong side of officers serving with Nottinghamshire police, for example, by exposing corruption/misconduct?

This information is reasonably accessible by other means under:

21. – (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1) –

a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and



- b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2) b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

With regard to your request the information you require can be found at the below links from the Nottinghamshire Police website.

<https://www.nottinghamshire.police.uk/document/code-conduct>

<http://www.nottinghamshire.police.uk/integrity>

https://www.nottinghamshire.police.uk/sites/default/files/documents/files/CoP_Code_of_Ethics.pdf

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does not hold the information you have requested.

2) What position of seniority would an officer serving with Nottinghamshire police need to hold for it to be feasible for him/her to be successful in carrying out this kind of abuse?

No information held. Such information would not form part of recorded information as the force does not carry out abuse.

The Freedom of Information Act 2000 provides public access to information held by public authorities.

Section1

General right of access to information held by public authorities.

(1) Any person making a request for information to a public authority is entitled—

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The Act only covers recorded information held and not requests for opinion or in relation to opinion and therefore Nottinghamshire Police are unable to provide an answer to your questions as no information is held.

Should you like further information about what is covered by the Freedom of Information Act advice and guidance can be found on the Information Commissioner's website at the address below.

[http://ico.org.uk/for the public/official information](http://ico.org.uk/for_the_public/official_information)

Should you wish to refine or re-word your request to request data which would we hold under the Freedom of Information Act we would be happy to conduct searches to retrieve any information held.

Please Note: In response to this request, and upon considering advice from the Central Referral Unit of the Association of Chief Police Officers, I would like to state the following:

The Freedom of Information Act is a piece of legislation which quite rightly opens up public authorities to greater scrutiny and accountability. It exists to make the decisions of those authorities transparent and to keep the populace better informed regarding matters which affect them. Under the provision of the Act an authority must process a request in writing from a named applicant under the terms and conditions of the legislation. Although free to the applicant its delivery is not without cost to the authority, and therefore indirectly the taxpayer.

Whilst giving maximum support to individuals genuinely seeking to exercise the right to know, the Commissioner's general approach will be sympathetic towards authorities where requests can be characterised as being part of a campaign.

In this instance we believe your engagements with Nottinghamshire Police in relation to this request have ticked indicators set out by the ICO on determining vexatiousness such as, 'abusive and aggressive language', 'unfounded accusations' and 'no obvious intent to obtain information.'

Therefore, with regard to this request, we are including a warning under Section 14(1)(Vexatious Request) of the Freedom of Information Act that any future requests may attract this exemption.

Section 14(1) Vexatious of the Freedom of Information Act 2000.

Section 14(1) states:

S.14 (1) – Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) 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, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk