

Our Ref: 007274/17



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

Tel: 101
Ext 800 2507
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19 October 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 21/09/2017.

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

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

Following the reported problems with manipulated forensic samples tested at Randox Testing Services, please can you provide the following. (NPCC release refers: <https://news.npcc.police.uk/releases/coordinated-police-operation-underway-to-retest-manipulated-forensic-tests-from-randox-testing-services>)

1) Please can you provide me with a breakdown of how many cases are affected in your force and the nature of each offence affected (e.g. three murders, 10 assaults, 40 drug-driving cases, etc).

2) Is it possible to say whether any cases have been dropped or any convictions overturned as a direct result of this investigation? If so, please could some details be provided.



If you consider that some information is exempt from disclosure please cite the section of the FOIA you are using to redact information. Please also ensure any redactions you make are sufficiently granular and do not withhold information on a blanket basis.

Where applying exemptions which contain a public interest text, please also explain, in line with the guiding principles of the Information Tribunal, how the public interest would be, or would be likely to be, materially prejudiced by disclosure.

With regard to the above request in relation to manipulated forensic samples tested at Radox Testing Services, this information is intended for future publication. Therefore this engages Section 22 of the Freedom of Information Act 2000 and so will not be disclosed at this time.

S. 22. – (1) Information is exempt information if –

- a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- b) the information was already held with a view to such publication at the time when the request for information was made, and
- c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).

Section 22 is a qualified class-based exemption – this means that there is no need to identify any harm in disclosure; however, it is necessary to carry out a public interest which is provided below:

Factors favouring disclosure:

The public have an interest in knowing that evidence gathered during police operations is both maintained and used in an ethical and honest manner. Disclosure would provide updated statistics, demonstrating continued and on-going awareness of how the police respond to alleged incidents of evidence manipulation or tampering. This would enhance public knowledge of the subject, by providing current information that may better inform public debate around the high profile subject.

Factors favouring non-disclosure:

To respond to the request would require the information to be retrieved and collated as it is effectively not held at the present time. To gather the information prior to the requirement to do so for the scheduled report will involve a disproportionate use of resources at this time. There is currently a plan in place to disclose the information into the public domain. The National Policing Lead is due to provide a national update in the near future.

Balancing Test

The information will be published on the Force website in accordance in the publication scheme at specified periods in time when the data is available. Therefore, at this time, it is our opinion that the balancing test for disclosure is not made out.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Section 22 (1) of the act being applied.

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