



WEST YORKSHIRE POLICE

Information Management

Freedom Of Information

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Website: www.westyorkshire.police.uk
Thursday 4th July 2013

Dear Ms Dussud

FOI Reference No: Our ref: FOI-2013127/2085

Thank you for your request for information received by West Yorkshire Police on 24 April 2013.

You requested the following information:

I am writing to request information and/or documents held by you or stored in archives accessible to you regarding police actions in situations of public demonstration, assembly or protest.

Following a request for information sent in February 2013 to the Police Home Office Department, I have been advised to contact you regarding the question mentioned below.

Specifically, under the Freedom of Information Act (2000), I am requesting the following:

For the question below, please provide information and/or documents relating to the activities of the police forces in situations of protest. We refer to protest as assemblies of people (including marches demonstrations, rallies etc) in which the motive for the assembly, usually in a public place, is for the purposes of expressing themselves about issues of concern.

1. For all the equipment types available for use by police officers in situations of protest that are supplementary to normal police equipment, please provide me with data including:

- a. The number of items in the possession of police forces for each equipment type;
- b. The amount of times that such equipment types have been used in the last five years.

Unfortunately, West Yorkshire Police are unable to provide you with the information requested.

It is estimated that the cost of providing / locating the information you seek within your request would exceed the time threshold. Where a reasonable estimate has been made that the appropriate limit would be exceeded, there is no requirement for a public authority to undertake the work up to the limit.

Please see Appendix A for the full legislative explanation as to why West Yorkshire Police are unable to provide the information.

If you would like to refine or narrow the scope of your request, West Yorkshire Police will assist you in negotiating the possibility of the provision of some of the information requested. Please see the Advice and Assistance under Section 16 of Appendix A.

Please accept our apologies for the delay in dealing with your request, this is due to the high volume of requests currently being processed by West Yorkshire Police.

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

Sue Durham
Force Information Manager

The West Yorkshire Police in complying with their statutory duty under section 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 Legal Services, West Yorkshire Police, Headquarters, PO Box 9, Laburnum Road, Wakefield WF1 3QP.

Appendix A

Our ref: FOI-2013127/2085

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 reason that we are unable to provide you with this information is covered by the following exemption(s):

Section 12 - Where the cost of compliance exceeds the appropriate limit

West Yorkshire Police can confirm that we hold the information you seek, however it is not held in an easily retrievable format.

In order for West Yorkshire Police to provide the information on the number of times the equipment available for use by police officers in situations of protest has been used, would mean a manual search of each incident record to establish if / what type / how many officers / equipment deployed. At around 15 minutes manually searching per incident and, with an estimated 250-300 incidents in the requested period, this would take in excess of 62 hours to complete.

It has been estimated that the cost of providing you with this information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, which currently stands at £450 worth of work.

Our ACPO guidance states that we do not issue fees notices and therefore in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

West Yorkshire Police have utilised Section 12, which states "A public authority does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit", this is further affirmed by the Decision Notice issued by the Information Commissioner's Office (Reference: FS50143930), and Guidance issued by the Information Commissioner's Office on Using the Fees

Regulations.

ADVICE AND ASSISTANCE

Under Section 16 of the Freedom of Information Act 2000, my duty to provide advice and assistance to persons who have made request for information, please be advised that West Yorkshire Police can offer the following assistance:

Police officers who are trained to Police Support Unit (PSU) level 2 status are the officers ordinarily deployed to both incidents of planned and spontaneous demonstration in the force area. These officers are equipped with additional clothing and protective equipment to assist them should threat and risk escalate. At the training year end March 2013 we had trained 1,440 Police Officers trained to level 2. As such the 1,440 PSU level 2 trained officers are personally equipped with the following items -

- Flame retardant overalls
- Reinforced protective boots
- Protective leg, arm and shoulder guards
- Leather gloves with re-enforced padding
- Groin protector
- Nato protective helmet
- Cotton head-over made from flame retardant material
- Cotton wristlets made from flame retardant material
- Communications kit which links the radio to the helmet.
- A metal water bottle and belt mounted bottle holder

PSU officers are also able to be deployed (if necessary) with ;

- An acrylic protective shield
- A fire extinguisher

Please note that police forces do not use generic systems or identical procedures for capturing the data. For these reasons this response to your questions should not be used for comparison purposes with responses you may receive from other police forces.

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 request that West Yorkshire Police 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 written complaint to have the decision internally reviewed.

A West Yorkshire Police internal review of your decision will be carried out by a senior member of staff, who is fully trained in interpreting Freedom of Information legislation, yet is independent with regards to the original decision made, i.e. has never previously been involved with your request.

Complaints will only be treated as valid if they are received by West Yorkshire Police within a 60 day timeframe from the date of the decision letter. They must include the original FOI Reference Number and can only be submitted in writing by using the following contact details:

[REDACTED]

or

West Yorkshire Police
FOI Internal Reviews
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances West Yorkshire Police will aim to complete and respond to your internal review within 20 working days; however this date may be extendable in exceptional circumstances by another 20 working days.

4. The Information Commissioner

If you are still dissatisfied with the internal review decision made by West Yorkshire Police, 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, you can phone their helpline or write to them at:

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

