

OFFICIAL



# Heddlu Police

## DYFED-POWYS

**FOI Reference: 726/2020**

**Request:**

I would be grateful if you could please provide me with the following details regarding police activity and resources at the Penally Asylum Seeker camp in Penally, Pembrokeshire between September 1, 2020 and November 11, 2020.

- 1) how many police officers in total have been sent to Penally camp for the time period specified to cover activities such as protests, surveillance, provide community reassurance, attend reported incidents, make arrests etc
- 2) if available please can you tell me how many man hours the answer to question one is equivalent to
- 3) how many arrests have been made either within the camp or outside the camp during the specified period?  
3b) please can you list the reason for each arrest made
- 4) of the arrests made, how many were occupants living in the camp?
- 5) how many times have you been called to assist men from the camp who were reported to you as being lost, confused, disorientated or wandering outside the gates?
- 6) how much have the services of a translator /interpreter (to help communicate with the asylum seekers in the camp) cost during the specified period?
- 7) how many men from the camp have you escorted to hospital during the specified period?

**Response 1:**

I can confirm that Dyfed-Powys Police does hold the information requested, as outlined below.

	<b>1<sup>st</sup> September – 11<sup>th</sup> November 2020</b>
<b>Total number of Police Officers that have attended incidents at Penally Camp</b>	1,116

**Response 2:**

I can confirm that Dyfed-Powys Police does hold part of the information requested, as outlined below.

This is a response under the Freedom of Information Act 2000 and disclosed on 13/01/21.

There have been a number of officers dedicated specifically to undertaking duties relating to Penally Camp (patrols in Penally camp, Penally and responding to calls for Penally camp and PSU duties) and the below data relates to the number of hours worked only by the Officers in which have undertaken those duties during the specified time period. The data does not take into account Officers who have responded to calls/incidents on occasions whereby the officers undertaking the Penally Camp duties have not been working.

(The below has been calculated based on an average shift of 8 hours per PCSO, PC and PS)

	<b>25<sup>th</sup> September – 11<sup>th</sup> November 2020</b>
<b>Total amount of hours spent by officers covering Penally Camp duties</b>	8,264

*Please note: The above information is not recorded from 1<sup>st</sup> September to 24<sup>th</sup> September.*

**Response 3a:**

I can confirm that Dyfed-Powys Police does hold the information requested, as outlined below.

Between 1<sup>st</sup> September 2020 and 11<sup>th</sup> November 2020, there were a total of 13 arrests made either within the camp or outside the camp.

**Response 3b:**

I can confirm that Dyfed-Powys Police does hold the information requested, as outlined below.

- Racially Aggravated Section 4 Public Order Offences
- Obstruct / resist a constable in execution of duty Plus Racially / religiously aggravated intentional harassment / alarm / distress - words / writing
- Arson
- Use threatening abusive / insulting words / behaviour with intent / likely to stir up racial hatred
- Obstruct / resist a constable in execution of duty
- Affray
- ABH

**Responses 4, 5 & 7:**

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon, Section 17 of Freedom of Information Act requires that we provide the applicant with a notice which:

- a) States that fact
- b) Specifies the exemption(s) in question and

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c) State (if that would not otherwise be apparent) why the exemption applies

Dyfed-Powys Police Force can neither confirm nor deny that it holds any information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

**Section 31(3) Law Enforcement  
Section 40(5) Personal Information**

Section 31(3) is a prejudice-based and qualified exemption therefore there is a requirement to articulate the harm that would be caused in confirming or not whether information is held as well as carrying out a public interest test.

Section 40(5) Personal Information, in this case is an absolute exemption as outlined below and as a consequence there is no requirement to carry out a public interest test as to whether neither confirming nor denying the information exists is the appropriate response.

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

**Evidence of harm**

Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. Police information refers to all information obtained, recorded or processed for a policing purpose and includes information which is processed (known as data, including personal data) and information which has been subject to a process of evaluation (known as intelligence), see below link:

<http://www.app.college.police.uk/app-content/information-management/>

It is a business process with an intention to provide focus to operational policing and to achieve a disproportionately greater impact from the resources applied to any problem. It is dependent on a clear framework of analysis of information and intelligence allowing a problem solving approach to law enforcement and crime prevention techniques.

To confirm information is held by citing a substantive exemption or, conversely, 'no information held', would undermine the flow of information (intelligence) received from members of the public into the Police Service and also undermines the Management of Police Information guidance and in due course any relevant investigation(s). This in turn would hinder the effective delivery of operational law enforcement by compromising any potentially ongoing investigations which could lead to police officers having to be removed from their frontline duties in order to increase manpower on other investigations. Furthermore, confirmation or denial would undermine the guidance set out to forces by the College of Policing within their APP for Information Management.

**Factors favouring confirmation or denial for S31:**

By confirming or denying whether information is held would allow the public to see where public funds are being spent. Better public awareness may reduce crime or lead to more information/intelligence from the public.

**Factors against confirmation or denial for S31:**

Modern day policing is intelligence led with the police service heavily dependent on the general public as part of the intelligence gathering process. To confirm or deny if information is held would present a potential hindrance to the law enforcement activities of the Force

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would result in more crime being committed and would place individuals at risk, which in turn would impact on police resources.

### **Balance Test:**

The Police service will not divulge whether information is or is not held if to do so would undermine law enforcement. When considering the public interest there is undoubtedly a call for openness and transparency with regard to the police service and this can be seen from the decision to, at times, publish details of protest marches, events, police operations etc. That being said, this is only ever done when deemed safe to do so from a law enforcement perspective. These factors need to be weighed against the very strong public interest in safeguarding the integrity of police investigations. The police service relies heavily on the public providing information and the public have an expectation that any information they provide will be treated with confidence. Anything that puts that confidence at risk would have a serious detrimental effect on the police service. The policing of events, albeit protests, investigations or neighbourhood unrest, is based upon intelligence received from members of the public and also information sharing between all relevant agencies. In this case, to confirm or deny whether information is or isn't held would undermine the partnership approach to law enforcement and undermine law enforcement.

### **Section 40(5) Personal Information:**

The duty to neither confirm nor deny under this section of the Act arises if confirmation as to whether the requested information is or isn't held would breach any of the data protection principles contained within Part 3 - Chapter 2 of the Data Protection Act 2018. Under Section 34 within Chapter 2 "The Controller in relation to personal data is responsible for and must be able to demonstrate, compliance with" Chapter 2. Such information would not be confirmed as held under the Freedom of Information Act 2000 unless there is a strong public interest. One of the main differences between the Freedom of Information Act 2000 and the Data Protection Act 2018 is that any information released under FOI is released into the public domain, not just the individual requesting the information and disclosure under the Act must be made with that in mind. As such, any release that identifies an individual through releasing their personal data, even third party personal data is exempt.

Personal data is defined under Section 3 of the Data Protection Act 2018 as:

*"(2) 'Personal data' means any information relating to an identified or identifiable living individual (subject to subsection (14)(c)).*

*(3) 'Identifiable living individual' means a living individual who can be identified, directly or indirectly, in particular by reference to—*

*(a) An identifier such as a name, an identification number, location data or an online identifier, or*

*(b) One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual."*

All members of the public including those employed by the force have an intrinsic right to privacy and these rights are protected by virtue of the Human Rights Act, the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) and a public authority must not interfere with that right. Any release of the information subject to the exemption is likely to compromise those rights.

### **Data Protection Act 2018**

This is a response under the Freedom of Information Act 2000 and disclosed on 13/01/21.

Part 3 – Law Enforcement – Chapter 2 Principles Section 35

The first data protection principle:

*“(1) The first data protection principle is that the processing of personal data for any of the law enforcement purposes must be lawful and fair.”*

General Data Protection Regulation

Article 5 of the GDPR – ‘Principles relating to processing of personal data’ provides:

*“1. ‘Personal data’ shall be*

- (a) Processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);*
- (b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest...*

*2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (‘accountability’).”*

A disclosure under Freedom of Information Act is a release of information to the world in general and not an individual applicant. Therefore, simply confirming or not that such information, if any, were held would disclose personal information about an individual. The Police Service will not confirm to the world in general whether or not an individual is the subject of an investigation or incident. In this case, the information requested relates to a small number of individuals i.e. residents of Penally Camp, which in turn relates specifically to the personal data of an identifiable individual, i.e. any individuals living at that address. Therefore any disclosure, by citing an exemption or stating no information held, would clearly breach the Data Protection Act and as a consequence I am satisfied that Section 40(5) Personal Information exemption is applicable.

No inference can be taken from this refusal that the information you have requested does or does not exist.

**Response 6:**

I can confirm that there is no information held by Dyfed-Powys Police due to the fact that there are no costs recorded for the services of a translator/interpreter specifically in relation to the Penally Camp, during the specified time period.

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**It should be noted that owing to the systems adopted by Dyfed-Powys Police in relation to the recording of such matters the information provided may or may not be accurate.**