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Our Ref: FOI2018/05848

### REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/05848

I write in connection with your request for information received on 14th October. I note you seek access to the following information:

**i was just wondering out of curiosity would you happen to use or ever use a BMW X3 unmarked and if so what others do you have?**

I am required by the Freedom of Information Act 2000 (The Act) to handle all requests in a manner that is blind to the identity of the requestor. Any information released in response to a request is regarded as being published and therefore, in the public domain without caveat.

**Response** – Hertfordshire Constabulary neither confirms nor denies that it holds information as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemption;

Section 31(1) (a) (b) Law Enforcement

(1) Information which is not exempt information by virtue of section 31 is exempt information if its disclosure under this Act would, or would be likely to prejudice -

- (a) the prevention or detection of crime**
- (b) the apprehension or prosecution of offenders**

Section 31 is a prejudice based qualified exemption which requires the prejudice (harm) to be evidenced and a public interest test to be carried out. This means it can only be used if the public interest test favours non-disclosure.

#### **Application of prejudice test**

Disclosing the identity of unmarked vehicles would harm the constabulary's operational ability by allowing those intent on committing crime to identify police presence and assist them in avoiding detection.

If Hertfordshire Constabulary's unmarked vehicles are publically available it would prejudice the force's ability to conduct any covert operations because they would be easily identified allowing crime to be committed, putting communities at risk of crime and therefore, increasing the fear of crime in Hertfordshire.

#### **Public Interest Test**

##### Factors in favour of disclosure

The public has a legitimate interest in information about police resources that their money has paid for.

##### Factors in favour on non-disclosure

The disclosure of the details of Hertfordshire Constabulary's unmarked vehicles would be likely to increase the risk of the information being used for criminal activity. This is the same basis for finding that the exemption is engaged.

Law enforcement tactics of the force would be compromised if it was possible to identify any police vehicle involved in covert operations.

There would be an impact on police resources and as such the ability to prevent and detect crime if disclosure of the information allowed an increase in crime to take place.

### **Balance Test**

After consideration of the factors of the public interest test they are clearly weighed in favour of non-disclosure. Looking at the most important factors of the test it was clear the pub interest in the constabulary's ability to prevent crime and have effective law enforcement in place, significantly outweighs the public interest in the use of police resources.

Information that would allow identification of covert operations carried out by the constabulary would contribute to the sum of criminal knowledge to a greater extent than that already existing from currently available sources. As a result the of risk crime would be greater if the information was disclosed than if not and for these reasons the balancing test for disclosure is not made out.

Should you have any further enquiries concerning this matter please do not hesitate to contact me quoting the above reference number.

Yours sincerely

James Hodson  
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Hertfordshire Constabulary provides you the right to request an independent review of this response under its review procedure. If you require such a review you must notify us within two months from the date of this letter. After lodging a complaint with Hertfordshire Constabulary if you are still dissatisfied with the decision you may make an application to the Information Commissioner. For information on how to make a complaint please visit their website at <https://ico.org.uk/concerns/> or contact them on 0303 123 1113.