



Your reference: N/A
Our reference: FOI_24_0519
E-mail: FOI
@gloucestershire.police.uk
Direct dial: 01452 754304
Postal Address: As above
Date: 10/06/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0519

On 11/05/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I also require:

- A. Gloucester Constabulary's interview procedures of suspects in custody.
- B. Gloucestershire Constabulary's rules, regulations and procedures on who may be admitted to the custody area.
- C. The name of the official at the CPS who authorised the charge against myself and hrs/her contact details.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

A. Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

The following exemptions apply:

Section 21 – Information reasonably accessible by other means

The above exemption is absolute and class-based and therefore no Public Interest Test or Harm Test is required.

The information that you have requested is already reasonably accessible to you by other means and is therefore exempt by virtue of Section 21 of the Freedom of Information Act 2000. Please see the below link to the College of Policing website which contains the interview procedure of suspects in custody which Gloucestershire Constabulary follows:

[Investigative interviewing | College of Policing](#)

B. Gloucestershire Constabulary follows the Police and Criminal Evidence Act (PACE) codes of practice, which include legal representation appropriate adults, interpreters and medical staff as well Criminal Justice Liaison & Diversion and Independent Custody Visitors.

C. Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1 (1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not be apparent) why the exemption applies.

Gloucestershire Constabulary can neither confirm nor deny that it holds the information you requested, as the duty in s1 (1)(a) of the Freedom of Information Act 2000 does not apply. To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve disclosure of exempt information, therefore no explanation can be given by virtue of the exemption at Section 40(5) of the Act- Personal Information.

Please be aware that information released under the Freedom of Information Act is considered a release in the widest sense (that is, a release to the world) and the release of this information, including either confirming or denying whether or not it is held, would breach the Data Protection Principles contained with the Data Protection Act 2018, namely the first principle which states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals

This acts as a refusal notice for your request.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

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

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary