



Your reference: N/A
Our reference: FOI_24_0967
E-mail: FOI
@gloucestershire.police.uk
Direct dial: 01452 754304
Postal Address: As above
Date: 15/11/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0967

On 25/10/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I would like to submit a formal Freedom of Information request to Gloucestershire Constabulary.

The information which I would like supplied is as follows:

How many times have officers and or staff within the Constabulary or Commissioner's office carried out actions which would amount to a data breach? A total figure for each organisation will suffice..

How many of these incidents have resulted in a crime, as per the Home Office Counting Rules, being recorded under the Data Protection Act 2018 or other relevant legislation?

How many times have officers and or staff been disciplined for a breach? How many officers or staff have been prosecuted for a breach?

Do any of these breaches involve the Police and Crime Commissioner or senior members of the Constabulary and if so, what action was taken?

Information is sought for the past 12 months only, but if time permits in compiling the response, also for the last 3 years.

Clarification was sent on 05/11/2024 asking if you can confirm what you mean by senior members of the constabulary?

I also advised that breaches involving the Police and Crime Commissioners Office that you will need to direct your question to them.

A response to the clarification was received on 05/11/2024 stating that you will contact the PCC's office separately.

And in relation to the Constabulary term of senior officer should include any warranted officer at superintendent or above and police staff at department head of above.

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

Although there is a central register of reported data breaches, in order to retrieve the details you have requested, would require a manual of all documents relating to all data breaches in the period specified and it would also require cross referencing to the HR system. In order to do this, it has been estimated that the work to be carried out to furnish your request would exceed the 18 hours as prescribed by Section 12 of the Freedom of Information Act.

Section 17(5) 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.

In relation to your request Section 12 applies.

Section 12(1) – Fee Regulations states:

Section 1(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Unfortunately, I'm unable to assist in suggesting ways of refining your request to come within the confines of Section 12 of the Act. Even reducing the timescale would not reduce the number of records enough that a manual review could be conducted within the timescale but still provide meaningful information.

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