

From: Josephine Ward <josie@michaelcarrollandco.com>
Sent time: 16/02/2016 08:02:47 PM
To: lorraine32@blueyonder.co.uk; re_wired@ymail.com
Subject: Fwd: FOIA: Disclosure - Partial

Lorraine / Simon

Please see response to my request for further information.

Regards

Josephine

----- Original Message -----

From: catherine.carrington@met.police.uk
To: josie@michaelcarrollandco.com
Date: 16 February 2016 at 15:51
Subject: FOIA: Disclosure - Partial

Dear Ms Ward

Freedom of Information Request Reference No: 2015120000861

I respond in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 15/12/2015. I note you seek access to the following information:

- 1. Whether Simon Cordell has been named as an organiser of any illegal raves on the Metropolitan Police Area of Greater London since The Public Order Unit was tasked by the Commissioner of the Metropolitan Police in June 2014, following the Croydon rave*
- 2. Whether Simon Cordell has been contacted by the Public Order Unit to desist from organising illegal raves*
- 3. Whether Superintendent Adrian Coombes from Essex Police notified the Metropolitan Police regarding Hippy Fest, an event that was originally planned as an open air rave in Essex but potentially could have been set up in the Metropolitan Police area due to the closeness of the border of both forces. Whether he provided information regarding Simon Cordell as being the organiser of this event, or if not then who did Superintendent Coombes state was the organiser.*
- 4. Please provide the details held of the organisers of the following illegal raves: (i) Wharf Wood (Canary Wharf) 12.01.2013 (ii) Cannabis Day 420 day 24.04.2014 (iii) Unit 5 St Georges Ind Estate, White Hart Lane, N17 (iv) 1 Falcon Park, Neasden Lane 20.06.2014 (v) Carpet Right, A10 Enfield 19.07.2014 (vi) Millmarsh Lane, Enfield 27.07.2014 (vii) Millmarsh Lane, Enfield 09.08.2014 and 10.08.2014*
- 5. How many of the above events were organised by Every Decible Matters and who are the persons attributed to Every Decible Matters*

Following receipt of your request searches were conducted within the MPS to locate information relevant to your request.

EXTENT OF SEARCHES TO LOCATE INFORMATION

To locate the information relevant to your request searches were conducted within the MPS.

DECISION

Before I explain the reasons for the decisions I have made in relation to your request, I thought that it would be helpful if I outline the parameters set out by the Freedom of Information Act 2000 (the Act) within which a request for information can be answered.

The Act creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, confirm if the requested information is held by that public authority and, if so, then communicate that information to the applicant.

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 not suitable 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.

In accordance with the Act, this response represents a Partial Refusal Notice for this particular request under Section 17(1)&(4) of the Act.

Constituents of this information attract section 31 and 40 of the Act.

Please see the Legal Annex for the sections of the Act that are referred to in this response.

The MPS can provide information which answers both question 1 and 2 of this response.

This information can be accessed via the link to the MPS external website, provided below.

<http://content.met.police.uk/News/Man-given-a-five-year-ASBO/1400033211719/1257246745756>

In case you have any difficulty with the link, I have provided you with another link to information in the public domain.

http://www.enfieldindependent.co.uk/news/13595919.Man_given_ASBO_for_organising_illegal_raves/

REASONS FOR DECISION

Some of the information you have requested is exempt by the virtue of Section 31(1)(a)(b) & (3) of the Act.

Section 31(1) of the Act is applied to information, that if it was disclosed, would or would be likely to cause significant harm to the functions of a public authority (in this instance the MPS) and Section 31(3) is applied if to confirm or deny that information is held would prejudice any of the matters in subsection (1).

Section 31(1) is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused, as well as carrying out a public interest test (PIT) for both subsections (1) and (3).

The purpose of the PIT is to establish whether the 'Public Interest' lies in disclosing or withholding the requested information for subsection (1) and to articulate the harm that would be caused in confirming or denying that any information is held for subsection (3).

Section 31(1) Evidence of Harm

[You have asked whether Superintendent Adrian Coombes from Essex Police notified the MPS of certain events.](#)

There is sufficient information within the public domain which confirms the sharing of information by police forces and certain law enforcement agencies and partners. To confirm what information has been shared and by whom, will affect the prevention and detection of crime, which is the core function of the MPS. The disclosure of specific information will affect the law enforcement and tactical approaches undertaken by the MPS.

Public Interest Test

Section 31(1) Public interest considerations favouring disclosure

Disclosing and confirming intelligence could promote public trust in providing transparency and demonstrating openness and accountability into where the MPS spends public funds. This transparency would provide a better awareness to the general public regarding this type of sharing of information to prevent crime. Disclosure can aid accurate debate around the use MPS resources and the MPS's

approach to tackling and deterring this type of crime. This could empower individuals to make more effective decisions about their own activities regarding criminal behaviour.

Section 31(1) Public interest considerations favouring non-disclosure

Policing today is intelligence led and the MPS share information with other law enforcement agencies as part of their investigative process. To disclose what intelligence was shared and by whom (on a case by case basis) would identify tactical approaches used by police forces, and identify cases or persons of interest to the police. This could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Balancing Test

The MPS is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency policing abilities, processes and techniques, there is a strong public interest in safeguarding the integrity of the MPS.

It is therefore in our opinion, that the balancing test for full disclosure is not made out.

Section 31(3) - Evidence of Harm

The public interest is not what interests the public but what will be of greater good if released to the community as a whole. It is not in the public interest to disclose information that may compromise the MPS's ability to complete any future criminal investigations.

[You have also asked for the details held of organisers for the stated illegal raves you referred to above, and whether any of the events were organised by Every Decible Matters.](#)

The release of such information, if it exists, would reveal policing tactics regarding who was of interest to the police generally. This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Information disclosed under the Act is considered to be a release to the world as once the information is published the public authority in this case the MPS has no control over what use is made of that information. Whilst not questioning the motives of the applicant it could be of use to those who seek to disrupt any police investigation as it would by a process of elimination, enable them to identify whether specific people or groups have or have not been subject of a police investigation. This would lead to an increase of harm to either the investigation itself or the subject of the investigation. To release details as to whether specific individuals, groups or events have or have not been investigated would enable any member of the public to define and identify who or who is not of interest to the MPS.

This could be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Section 31(3) Factors favouring confirmation or denial

By confirming or denying whether information is held would enable the public to have a better understanding of the type of events and individuals the police are focussing their resources on, in order to disrupt and deter such events from taking place, in line with their law enforcement role.

Better public awareness may lead to more information from the public about individuals who they believe may be linked to organising illegal raves, thereby providing intelligence to reduce crime.

Section 31(3) Factors against confirmation or denial

By confirming or denying that the requested information exists, law enforcement would be compromised which would hinder the prevention and detection of crime. More crime of this nature would be committed and individuals would be placed at risk. This would result in further risks to the public and consequently require the use of more MPS resources.

Disclosure of information, if it exists would provide valuable intelligence into the public domain, which would be useful to criminals captured by this request, in that they can take steps to evade apprehension and prosecution, thereby continuing with criminal behaviour. This will directly affect the law enforcement role of the MPS.

Balance Test - Section 31(3) Law Enforcement

The disclosure of this information to the public by the MPS would undermine individuals' confidence in

helping the MPS and would furthermore impact on the trust of witnesses in making statements in the future.

Anything that undermines this would have a detrimental affect reducing the quality of information the MPS receives and consequently compromise any ongoing or future similar investigations. Therefore, I consider that considerations favouring non-disclosure of the requested information, if it exists, far outweighs the considerations favouring disclosure.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

Section 40(5) - Personal Information / Absolute Exemption

You have asked for personal information about **individuals attributed to Every Decible Matters**. To confirm or deny whether personal information exists in response to your request could publicly reveal information about an individual or individuals, thereby breaching the right to privacy afforded to persons under the Data Protection Act 1998 (DPA). When confirming or denying that information is held would breach an individual's rights under the DPA, Section 40(5) of the Act becomes an absolute exemption, and there is no requirement for me to provide evidence of the prejudice that would occur, or to conduct a public interest test.

The MPS is unable to confirm and unable to deny whether the information in relation to this request is held.

To ensure you understand why this response is necessary I have provided excerpts from the Information commissioners's office (ICO):

The Duty to Confirm or Deny

The Information Commissioner's Office (ICO) guidance titled 'When to refuse to confirm or deny information is held' states:

'In certain circumstances, even confirming or denying that requested information is held can reveal information...

It can be important to use a neither confirm nor deny response consistently, every time a certain type of information is requested, regardless of whether the information is actually held or not...

Within the ICO guidance there is a specific police example:

'...a police force may hold information regarding particular properties they have under surveillance - it is likely that if a request were made for information about the surveillance of a certain property, this information would be exempt under section 30 (investigations and proceedings conducted by public authorities)...

Furthermore, this would apply even if information was requested about a property not under surveillance. If a police force only upheld its duty to confirm or deny where it was not keeping properties under surveillance, an applicant could reasonably assume that where the police force refused to confirm or deny, the property named in the request was under surveillance.'

A public authority could therefore refuse to confirm or deny whether it holds information about a property under surveillance. ..

This should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

COMPLAINT RIGHTS

If you are dissatisfied with this response please read the attached paper entitled Complaint Rights which explains how to make a complaint.

Should you have any further enquiries concerning this matter, please contact me by email quoting the reference number above.

Yours sincerely

Catherine Carrington
Information Manager
Freedom of Information
Information Rights Unit (IRU)
Metropolitan Police Service (MPS)
PO Box 57192
London
SW6 1SF

LEGAL ANNEX

Section 17(1) & (4) of the Act provides:

Refusal of request

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or 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 that fact,*
- (b) specifies the exemption in question, and*
- (c) states (if that would not otherwise be apparent) why the exemption applies.*

(4) A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information

Section 31(1)(a)(b) & (3) of the Act provides:

Law enforcement

(1) Information which is not exempt information by virtue of section 30 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*

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

Section 40(5) of the Act provides:

Personal Information

(5) The duty to confirm or deny-

- (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and*
- (b) does not arise in relation to other information if or to the extent that either-*
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the [1998 c. 29.] Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or*
 - (ii) by virtue of any provision of Part IV of the [1998 c. 29.] Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).*

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COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require the Metropolitan Police Service (MPS) to review their decision.

Prior to lodging a formal complaint you are welcome to discuss the response with the case officer who dealt with your request.

Complaint

If you are dissatisfied with the handling procedures or the decision of the MPS made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the MPS to have the decision reviewed.

Complaints should be made in writing, within forty (40) working days from the date of the refusal notice, and addressed to:

FOI Complaint
Information Rights Unit
PO Box 57192
London
SW6 1SF
foi@met.police.uk

In all possible circumstances the MPS will aim to respond to your complaint within 20 working days.

The Information Commissioner

After lodging a complaint with the MPS if you are still dissatisfied with the decision you may make 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.org.uk.

Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 745

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