



CIVIL NUCLEAR CONSTABULARY

Email

████████████████████

The Executive Office

Civil Nuclear Constabulary

Building F6 Culham Science Centre

Abingdon

Oxon

OX14 3DB

Tel: 01235 466428

Website: <https://www.gov.uk/cnc>

Dear ██████████

I am writing in response to your request for information regarding the below. Your request has been handled under Section 1(1) of the Freedom of Information Act 2000. In accordance with Section 1(1) (a) of the Act I hereby confirm that the CNC/CNPA does hold information of the type specified.

How many police officers/staff/PCSOs have been reported to have broken coronavirus legislation between 1 March 2020 and 31 October 2020?

Please break down by officers, PCSOs and other staff and by the following:

- The number of officers/staff/PCSOs who were reported to your force either externally or internally on suspicion of breaking coronavirus legislation in the time frame given above.
- The number of officers/PCSOs/staff who faced external or internal investigation after being suspected of breaching coronavirus rules.

Of these, again broken down by officers, PCSOs or other staff, please state how many:

- Faced disciplinary action
- Were given a warning
- Were issued a fine
- Faced other action (please state)
- Faced no action
- Case is still ongoing.

The Civil Nuclear Constabulary has decided not to release information relating to the above request as it is exempt under 31(2) FOI Act 2000.

- (a)the purpose of ascertaining whether any person has failed to comply with the law,
- (b)the purpose of ascertaining whether any person is responsible for any conduct which is improper,
- (c)the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise

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.

Section 17 of the Freedom of Information Act 2000 requires that the Civil Nuclear Constabulary, when refusing to provide such information (because the information is exempt) is to provide you, the applicant, with a notice which:-

- (a) States that fact
- (b) Specifies the exemption(s) in question and
- (c) States (if that would not otherwise be apparent) why the exemption(s) applies.

Section 31 is a qualified prejudiced based exemption and there is a requirement to consider the harm in disclosure and conduct a public interest test.

Section 31(1)(g) 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 the exercise by any public authority of its functions for any of the purposes specified in subsection (2).

(2) The purposes referred to in subsection (1)(g) are:-

- (a) The purpose of ascertaining whether any person has failed to comply with the law
- (b) The purpose of ascertaining whether any person is responsible for any conduct which is improper

Evidence of Harm

The Constabularies are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Disclosing details of ongoing investigations would impact on the effectiveness of police procedures and investigations thereby hindering the prevention and detection of crime.

Section 31 – factors favouring disclosure

The disclosure of details relating to investigations involving Police Officers and Police Staff whether these are criminal investigation or internal would provide the public with reassurance that the Constabularies take all reports of crimes seriously and that these are managed appropriately, ensuring all relevant enquiries are undertaken. Additionally, the disclosure of investigation details would increase public confidence and could result in more people coming forward with information. This would assist investigations and lead to more successful prosecutions.

Section 31 – factors against disclosure

Information relating to specific investigations which have not resulted in a prosecution is rarely provided under the FOI Act as it could lead to the identification of those involved.

Releasing the details under the FOIA and, therefore making the information public, could hinder any current or future investigations undertaken by the Constabularies.

Balance Test

Any investigations which relate to Police Officers or Police Staff, including the way in which these are conducted, will be of significant public interest. Therefore providing the details would show openness and transparency which are fundamental elements of the Freedom of Information Act. By releasing information though into the public domain through an FOI request could jeopardise the outcome to any investigation whether that be internal or criminal

Information regarding prosecutions or disciplinaries will be publicised by the Corporate Communications Department as appropriate.

It is therefore our opinion that the balance lies in non-disclosure, at this time. This serves as a refusal notice under section 17(1) of the FOI Act by virtue of the exemption at section 31.

The Civil Nuclear Constabulary is a specialist armed police service dedicated to the civil nuclear industry, with Operational Policing Units based at 10 civil nuclear sites in England and Scotland and over 1400 police officers and staff. The Constabulary headquarters is at Culham in Oxfordshire. The civil nuclear industry forms part of the UK's critical national infrastructure and the role of the Constabulary contribute to the overall framework of national security.

The purpose of the Constabulary is to protect licensed civil nuclear sites and to safeguard nuclear material in transit. The Constabulary works in partnership with the appropriate Home Office Police Force or Police Scotland at each site. Policing services required at each site are agreed with nuclear operators in accordance with the Nuclear Industries Security Regulations 2003 and ratified by the UK regulator, the Office for Nuclear Regulation (ONR). Armed policing services are required at most civil nuclear sites in the United Kingdom. The majority of officers in the Constabulary are Authorised Firearms Officers.

The Constabulary is recognised by the National Police Chiefs' Council (NPCC) and the Association of Chief Police Officers in Scotland (ACPOS). Through the National Coordinated Policing Protocol, the Constabulary has established memorandums of understanding with the local police forces at all 10 Operational Policing Units. Mutual support and assistance enable the Constabulary to maintain focus on its core role.

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will investigate the matter and endeavour to reply within 3 – 6 weeks. You should write in the first instance to:

Kristina Keefe
Disclosures Officer
CNC
Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB

E-mail: FOI@cnc.pnn.police.uk

If you are still dissatisfied following our internal review, you have the right, under section 50 of the Act, to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by the CNPA.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you require any further assistance in connection with this request please contact us at our address below:

Kristina Keefe
Disclosures Officer
CNC
Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB
E-mail: FOI@cnc.pnn.police.uk

Yours sincerely
Kristina Keefe
Disclosures Officer