



Ministry of Defence Police

Freedom of Information Manager
Ministry of Defence Police
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Our Ref: eCase: FOI 2022/06506

RFI: 136/22

Date: 23rd June 2022

[REDACTED]
[REDACTED]
Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: USE OF DISCIPLINARY INFORMATION ON ECRC's.

We refer to your email dated 26th May 2022 to the Ministry of Defence Police which was acknowledged on the same date.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

- (1) Please confirm whether internal disciplinary proceedings and/or rulings of the Independent Office for Police Conduct are considered “relevant police intelligence” and/or “non conviction information” for the purposes of fulfilling your obligations under s.113B(4) of the Police Act 1997;**
- (2) Please confirm whether the answer to (1) above has changed in the past 4 years;**
- (3) From January 2018 – present, please provide copies of any and all policy guidance and documents relating to the development of policy, whether formal or informal, with regards to your police force's processing of enhanced criminal record certificates (per s.113B(4) of the Police Act 1997) relating to current or former officers or members of staff.**

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

- (1) Please confirm whether internal disciplinary proceedings and/or rulings of the Independent Office for Police Conduct are considered “relevant police intelligence” and/or “non conviction information” for the purposes of fulfilling your obligations under s.113B(4) of the Police Act 1997;**

We believe this question to be a conditional request and not a Freedom of Information request. A conditional request is one that can be objectively read as only becoming active when certain conditions are met.

Under section 16 Duty to Assist I believe you could refine your request to ask for information about what was included in a specific ECRC, this would remove the conditional element.

I also link the [Home Office Statutory Guidance](#).

(2) Please confirm whether the answer to (1) above has changed in the past 4 years;

N/A

(3) From January 2018 – present, please provide copies of any and all policy guidance and documents relating to the development of policy, whether formal or informal, with regards to your police force's processing of enhanced criminal record certificates (per s.113B(4) of the Police Act 1997) relating to current or former officers or members of staff.

No information held.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office