



Ministry of Defence Police

Freedom of Information Manager

Ministry of Defence Police

Palmer Pavilion,

Building 666,

RAF Wyton, Huntingdon,

Cambs, PE28 2EA

E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI 2023/15035

RFI: 255/23

Date: 22 January 2023

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: HOW MOD POLICE DISPOSE OF FLEET VEHICLES

We refer to your email dated 05 December 2023, which we acknowledged on 05 December 2023.

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:

This email is following on from a recent FOI request we sent you regarding the vehicles in your fleet. In this instance you refused to supply us with the relevant information which we requested.

- 1. Firstly, we would now like to request for a copy of the NPCC letter, so we can have a better understanding as to why and who is refusing the release of the data we requested.**
- 2. Additionally, we would like to request to know how you as an organisation dispose of the vehicles in your fleet? We are requesting this information on how the vehicles are exited from your fleet (i.e. Auction).**
- 3. Further to this, we request information regarding to whether vehicles are disposed of randomly or there is a process and set time as to when the vehicles are released from your fleet.**
- 4. Finally we request you to notify us on how many vehicles are currently in your fleet.**

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

1. Firstly, we would now like to request for a copy of the NPCC letter, so we can have a better understanding as to why and who is refusing the release of the data we requested.

Please see Annex A, at the end of this letter.

The redactions within the email are in accordance with Section 40(2) of the FOIA. Individual details fall entirely within the scope of the exemption provided for at Sections 40 (Personal Data). Section 40(2) has been applied to in order to protect personal information as governed by the Data Protection Act 2018. Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in Section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise lay in withholding the personal data identified for this request.

The email was sent by the National Police Freedom of Information and Data Protection Unit (NPFDU). The NPFDU acts as a national coordination body in providing professional advice and support for forces and stakeholders in all matters relating to both freedom of information (FOI) and data protection (DP) within the UK police service.

If you require a copy of any additional material relating to Annex A, please direct your request to the NPCC FOI team at npcc.foi.request@npfdu.police.uk.

2. Additionally, we would like to request to know how you as an organisation dispose of the vehicles in your fleet? We are requesting this information on how the vehicles are exited from your fleet (i.e. Auction).

As a leased fleet, vehicles are returned to the lease provider at the end of the lease contract term. MDP have no information on what happens to each vehicle when returned to the lease provider.

3. Further to this, we request information regarding to whether vehicles are disposed of randomly or there is a process and set time as to when the vehicles are released from your fleet.

Each vehicle is on a set lease contract, the terms of which vary between vehicles. They are returned to the lease provider at the end of the lease contract term.

4. Finally we request you to notify us on how many vehicles are currently in your fleet.

We released details of our overt fleet in FOI2023/12175. We are withholding the total number of fleet vehicles as this will reveal the number of covert vehicles. The duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) does not apply by virtue of the exemption in Section 31(1) – Law Enforcement. This is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in

releasing the information and carry out a public interest test. The balance of this test favours not releasing the information requested.

Section 31(1) is engaged as to release the information would have a detrimental impact on Law Enforcement and could be used to undermine operational policing.

If you are not satisfied with 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

Annex A

Archived: 15 January 2024 15:25:00

From: [REDACTED]

Mail received time: Fri, 29 Apr 2022 06:25:32

Sent: Fri, 29 Apr 2022 06:25:30

Subject: Update to all forces - NPFDU change of stance - Fleet VRN data - OS

Importance: Normal

Sensitivity: None

[REDACTED]
[REDACTED]
[REDACTED]
Dear All,

National change of stance – Requests for Vehicle Registration Numbers

I am circulating this email amongst all forces to advise that a NPFDU change of stance has been decided upon, whereby requests capturing Forces fleet Vehicle Registration Numbers (VRN) will now engage exemption by virtue of s31(1) Law Enforcement **for all vehicles**.

Historically, when forces receive requests asking for a vehicle fleet list, VRN and make and model of vehicles, our advice has been that for **marked** vehicles there is no harm in providing information as this is visually in the public domain.

For **unmarked** vehicles our guidance has been that information relating to generic unmarked cars such as scientific services vehicles, some CID vehicles, etc., which are overt, can be provided. However, any information relating to vehicles in a covert role must not be released under FOI as disclosure would undermine policing by revealing vehicles which are used solely for undercover policing. Such a disclosure would have a negative effect on the prevention and detection of crime and the apprehension and prosecution of offenders. In addition to that, we advised withholding any other information with tactical implications, such as releasing ARV information which would expose the response capability.

Moving on...

A VRN plate is openly visible on a marked police vehicle, and that historically has been the argument used in mitigation of harm when providing VRNs under FOI. However the key issue here is that once the data has been compiled and provided, forces have no control over how it is used nor its validity. By formulating and compiling that data into publically accessible lists (putting it all in one place for criminals including OCGs, or those with criminal intent to view as a whole picture) adds significant additional context and value to the recipient, which would be detrimental to policing and potentially harmful to the service and worst case, to individuals.

This issue, along with other considerations in respect of harm became subject of a review. As a result, the stance decided upon is now to fully exempt VRNs of ALL fleet vehicles including marked vehicles citing s31(1). This has since been agreed, and ratified by the relevant National Policing Lead for Fleet along with the Chair of National Assn. of Police Fleet Managers. In conclusion, all forces are now advised to adopt the change of stance as the **benchmark** for dealing with FOI requests that capture fleet VRN data. As always, subject to the merits of the request, and local issues at force level there may be additional considerations. In this regard, please continue to engage with the CRU in respect of FOI requests capturing VRN data where necessary.

A form of words is below to assist with the articulation of the HARM and PIT for s31(1).

Other relevant information – For situational awareness - The MPS is pro-active in publishing [Vehicle Fleet lists](#) with the first half of the VRN where able to do so. However, when the full VRN is requested the MPS refuse the information under s31, and provide the partial VRN data as part of their publication scheme, but outside of the Act. This complies with s1(1)(b) of the FOI Act, whereby forces will need to take into account that a request for a full VRN will require s31 exemption, and that the provision of any partial data (as with the MPS publication scheme) should only be given outside of the Act as a gesture of goodwill.

An Example form of words to assist

S31 Law Enforcement is a qualified, and prejudice based exemption. Therefore, the harm should be articulated, and arguments given as to the public interest test.

Harm

Disclosure of full information on fleet, such as full VRNs, could be of intelligence value to a person or persons with criminal or malicious intent. Full disclosure could provide and enable targeted malicious actions, be that some form of attack on an

operational unit, or avoiding that unit for example where strengths and weakness may be perceived (whether incorrectly or not).

Although VRNs are an overtly displayed marker that can be clearly seen and are intended to be seen, to disclose a readily collated list of vehicles with complete vehicle registration numbers would be substantially more harmful than the limited availability of related information via the visibility of vehicles whilst on public roads. In practice, all of this information is not realistically accessible to a member of the public and is therefore not in the public domain.

Providing full lists of VRNs for marked vehicles provides opportunities for criminality to benefit, or for risks to be extended to members of the public:

- Marked police vehicles are often exempt toll and congestion charges, facilitated by automatic recognition of VRN; cloned vehicles would avoid these charges.
- Decommissioned police vehicles are sold at public auction and will re-appear in domestic use, usually driven by members of the public. Lists of VRNs accessible by criminals, such as Organised Crime Gangs (even if out of date), may potentially expose unaware members of public to direct challenge and/or risk of harm.
- Detailed VRN listings will potentially enable a criminal gang to understand the force's capability, through the volumes and types of vehicles being operated; for example numbers of ARV & RPU (Armed Response / Traffic), comparative to other models.
- The recent high profile case of Sarah Everards murder, and the fact that the perpetrator was in a police car when he committed the crime cannot be ignored. Although this was not a cloned vehicle, the suggestion that a cloned vehicle could also be used in such a crime, and would provide a level of credibility to the driver, is clearly demonstrated. Additionally, law enforcement tactics and operational capability would be compromised with the disclosure of VRN details requested such as that relating to unmarked cars, as those who wish to commit criminal acts will be more aware of what vehicles may belong to the force in a covert role, that assist with preventing and detecting crime.

Such a disclosure would allow those with criminal intent the ability to build up a mosaic picture of force capabilities and resources and use this information to undermine law enforcement. This places the community at increased unnecessary risk of harm and impacts on police resources if additional resources and tactics need to be put in place to counter any harm caused by an adverse FOIA disclosure.

Public Interest Test

Factors favouring disclosure – s31 – There is a legitimate public interest in the public being satisfied that the police force has up to date and well maintained vehicles to deliver services to the public when and where required.

Factors favouring non-disclosure – s31 – The Police Service has a duty to deliver effective law enforcement ensuring that the prevention and detection of crime, apprehension or prosecution of offenders and administration of justice is carried out appropriately.

Disclosing information that would allow the identification of all vehicles may reveal what resources are available for a given role and this information could enable police strength to be determined and circumvented by those intent on committing crime. The release of this information could therefore provide a tactical advantage to offenders which would negatively impact on public safety and undermine the policing purpose.

Disclosing the details of covert vehicles would provide sufficient information to those involved in criminal activity of the capabilities available to the force when carrying out covert activities in certain areas. This could result in them taking steps to evade detection and to destroy evidence if they believe that their movements are being monitored. This could also lead to vehicles and officers being identified which would render their covert capabilities useless.

Balance Test

It is not in the public interest for law enforcement tactics and operational capability to be compromised with the disclosure of Fleet VRNs, as those who wish to commit criminal acts will be more aware of the vehicles in operation to assist with preventing and detecting crime.

Such a disclosure that would allow those with criminal intent the ability to build up a mosaic picture of force capabilities and resources which could be used to undermine law enforcement. This would not be in the public interest.

Disclosure is also not in the public interest as it places the community at increased unnecessary risk of harm and impacts on police resources. This is especially the case if additional

tactics/resources need to be put in place to counter harm caused by an adverse FOIA request regarding police vehicles.

Kind regards,

[Redacted signature block]

[Redacted signature block]

