



Ministry
of Defence Police

Freedom of Information Manager
Ministry of Defence Police
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Cambs, PE28 2EA

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

Our Ref: eCase: FOI 2024/04865

RFI: 062/24

Date: 18 April 2024

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: OFFICERS AND STAFF INVESTIGATED FOR MISCONDUCT OR GROSS MISCONDUCT

We refer to your email dated 20 March 2024 to the Ministry of Defence Police (MDP), which was acknowledged on 20 March 2024.

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. How many officers and staff, in total, were investigated for misconduct or gross misconduct between 01/01/17 and 31/12/2023.**
- 2. A breakdown of those numbers per year, '17/18/19/20/21/22/23.**

Please note that the MDP does not have police staff. MDP employees are Defence civil servants.

A search for information has now been completed and I can confirm that the MDP does hold information in scope of your request. However, I must advise that some of the information in scope of your request falls entirely within the scope of the exemption provided for at Sections 40 (Personal Data) of the FOIA. Section 40(2) has been applied to the information relating to 'MDP officers gross misconduct' and 'MDP Defence civil servants misconduct' and 'MDP Defence civil servants gross misconduct' 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 is to withhold the information requested. Releasing all the information might enable members of the public or colleagues to identify employees.

| Year | MDP officers Misconduct |
|------|----------------------------|
| 2023 | 59 |
| 2022 | 39 |
| 2021 | 44 |
| 2020 | 52 |
| 2019 | 38 |
| 2018 | 60 |
| 2017 | 69 |

The MDP expects all staff to demonstrate the highest possible standards of behaviour and conduct, at all times, and will take suitable action against anyone that fails to maintain these standards. The action taken will depend on the outcome of misconduct investigations and will reflect the severity of any misconduct identified.

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