



HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE

Response Date:17/01/2024

2024/046 - Police officers and PCSOs in your force convicted of a crime

In response to your recent request for information regarding;

This is a request under the Freedom of Information Act. I would like to request the following information.

For the period 3 March 2018 to 10 January 2024, please could you tell me:

- 1) The number of police officers and PCSOs in your force convicted of a crime;**
- 2) For each officer/PCSO listed in your answer to question 1, the type of offence (assault, rape, etc), the date of the offence and the date of conviction;**
- 3) The name, date of birth, gender and rank of each convicted officer/PCSO and their status with your force at the date of offence and now (i.e. still serving, suspended, on limited duties, resigned, sacked, etc).**

For the period 3 March 2021 to 10 January 2024, please could you tell me:

- 4) The number of police officers and PCSOs charged with a criminal offence where the case is yet to conclude (i.e. a trial is yet to take place, plea hearing is yet to be held, etc);**
- 5) For each officer/PCSO listed in your answer to question 4, the type of offence that they are charged with (assault, rape, etc) and the date of the alleged offence;**
- 6) The name, age, gender and rank of each officer/PCSO charged with an offence and their status with your force both now and when the alleged offence occurred (i.e. still serving, suspended, on limited duties, resigned, sacked, etc).**

The information you have requested regarding name/date of birth/age constitutes personal data of which you are not the subject and disclosure of the information to a member of the public otherwise than under the Data protection Act 2018 would contravene the data protection principles.

Section 40 is a class based exemption, therefore it is not necessary to evidence harm caused by disclosure.

The data protection rights of a third party would be breached by disclosure, therefore section 40(2) is an absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by another law (The Data Protection Act 2018) and there are two elements to this exemption.

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain. Thus North Wales Police must be satisfied that any release of information will be potentially available to the general public. It is therefore on this basis that the following is relevant.

The first element of this exemption is engaged if the information requested constitutes personal data and is made by the data subject. The information will be covered by section 40(1) and the request will be dealt with under the Data Protection Act, rights of access.

The second element of this exemption is engaged if the personal data is about someone other than the applicant. Where someone makes an application for information other than the data subject, disclosure of that information will often constitute a breach of the Data Protection Act covered by section 40(2).

Personal data is regulated under the principles of the Data Protection Act and when information contains personal data about a third party it can only be refused if disclosure would breach any of the data protection principles.

As previously highlighted, any disclosure under the FOIA is a public disclosure and release of the identity of an individual would breach principles 1 & 2 of the Data protection Act 2018.

These principles require that: 1) the processing of personal data for any of the law enforcement purposes must be lawful and fair and 2) the law enforcement purpose for which personal data is collected on any occasion must be specified, explicit and legitimate.

'Data subjects' are provided with certain legal enforceable rights under the Data Protection Act 2018. The fact that the information is held for lawful policing purposes, disclosing it onwards would breach the principles, and would be incompatible with the data subject's right that their data is held securely. By disclosing this information, the force could be subject to enforcement proceedings under the act if it breaches any of those principles.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

Rank	Gender	Status at time of offence	Status at present	Offence	Date of offence	Date of conviction
PC	M	Serving	Resigned 01/05/19	Driving - excess alcohol	26/04/2019	13/05/2019
PC	M	Serving	Dismissed	Driving - excess alcohol	18/07/2019	21/08/2019

			23/01/20			
PC	F	Serving	Dismissed 20/10/20	S39 Assault x 3	26/10/2019	15/09/2020
PC	M	Serving	Serving	Breach of COVID Regulations	29/12/2020	11/10/2021
SC	M	Serving	Dismissed 07/11/22	Indecent images of children	10/02/2021 and 23/08/2022	28/09/2023
PC	M	Serving	Dismissed 05/01/22	Sexual Assault x 2	17/12/2021	15/11/2022
PC	M	Serving	Resigned 12/10/23	Breach of Sct 1 Computer Misuse Act	27/11/2022	14/09/2023
SC	M	Serving	Resigned 20/04/23	S39 Assault	29/10/2022	07/11/2023

Rank	Gender	Status at time of offence	Status at present	Offence	Date of offence
PC	M	Serving	Restricted duties	Controlling and coercive behaviour	2019/2020
PCSO	M	Serving	Suspended	Sexual Assault	29/05/2022
PC	M	Serving	Suspended	S47 Assault and Non-Fatal Strangulation	10/05/2023
PC	M	Serving	Resigned 13/11/2023	Sexual Assault x 4	15/12/2022

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 15/01/2024