



HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE

Response Date: 27/06/2024

2024/609 - Procedures when investigating the Neil Foden case

In response to your recent request for information regarding;

Request regarding procedures when investigating the Neil Foden case;

- 1. When investigating this case in which a large amount of digital material evidence was used in court – did the digital forensic specialist advise the investigating team on the strategy for the identification and review of the digital material? Or did the investigator decide what digital material was needed for review?**
- 2. Following Neil Foden's arrest, when examining his mobile phone/s - did NWP consider it to be a reasonable line of inquiry to check and keep a record of all the incoming and outgoing calls and messages on NF's phone/s on the day of arrest?**
- 3. During the investigation, did NWP retain and record incoming and outgoing calls and messages * sent from/ and to Neil Foden on the day of his arrest?**
- 4. Following Neil Foden's arrest, did the investigation team seize and/or review mobile devices belonging to some of NF's close contacts (namely senior staff at Ysgol Friars/ chair of governors/ Gwynedd education department staff)?**
- 5. Did the investigation team retain and record incoming and outgoing calls and messages * sent to Neil Foden on the day of his arrest from some of his close contacts (namely senior staff at Ysgol Friars/ chair of governors/ Gwynedd education department staff) ?**

We can confirm that information is held by North Wales Police in relation to your request. However, concerns have been raised in relation to disclosing information relating to investigations; therefore, the following exemptions have been engaged:

Section 30 (1) Investigations and proceedings conducted by the public authority
Section 40 (2) Personal data

Section 30 (1) is a qualified and class based exemption and thus a consideration of the public interest must be provided upon disclosure. Please see the reasoning below.

Section 40 is an absolute and class based exemption and no public interest test is required.

Harm

To provide specific details relating to a criminal investigation would have a detrimental effect on any future proceedings or appeals process.

Considerations that favour disclosure – Section 30

Disclosure could lead to better public awareness of Police activities and its resources, which in itself would lead to better public debate and participation and might increase confidence in its approach to crime prevention.

In this case it would give additional understanding of the case.

Considerations against disclosure – Section 30

If North Wales Police released specific details of investigations it could prejudice law enforcement or potentially damage the criminal justice system. In this case, to disclose additional details of this case not already in the public domain would have a detrimental effect on any future proceedings or appeals process.

Balance Test

Whilst the Freedom of Information Act encourages accountability and transparency, North Wales Police would never release information that would compromise investigations or interfere with the future law enforcement role of the force. We must protect any information that would negatively impact on any operation or reveal our tactical capabilities.

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most persuasive reason for disclosure is public awareness/accountability which needs to be compared to the strongest negative reason, which in this case is the detrimental effect on future proceedings or appeals process. Therefore, on balance, it is considered that the public interest in providing the information is outweighed by the detrimental effect on future proceedings or appeals process.

Therefore, it is our opinion that for reasons above the balancing test for disclosure of the requested information is not made out.

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

We can advise;

North Wales Police has a duty to retain all evidence collected within an investigation as directed by the Criminal Procedure and Investigations Act 1996 (section 23(1)) Code of Practice.

Where the accused is convicted, all material which may be relevant must be retained at least until:

- the convicted person is released from custody, or discharged from hospital, in cases where the court imposes a custodial sentence or a hospital order;
- six months from the date of conviction, in all other cases.

This case is well reported in the media;

[Neil Foden: Head teacher denies sexual contact with girls - BBC](#)

[Neil Foden: Teen searched 'how to tell parents you were groomed' online, court told | ITV News Wales](#)

[Accused headteacher Neil Foden tells jury he was 'unable to have sex' at time of allegations | ITV News Wales](#)

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 24/06/2024