



Response Date:04/04/2025

2025/379 - Warnings

In response to your recent request for information regarding;

Could you please tell me how many police officers from your force received a written warning or final written warning (please specify what one) in the calendar year of 2024? The incident may have taken place before 2024.

During the period specified NWP issued a total of 6 Written Warnings and 1 Final Written Warning (* as below) to police officers.

I am only interested in the following ranks (please break down the information by rank): commissioner, deputy commissioner, assistant commissioner, deputy assistant commissioner, commander chief superintendent and detective chief superintendent, superintendent and detective superintendent, chief inspector and detective chief inspector, and inspector and detective inspector.

During the period specified NWP issued a single Final Written Warning(*) to an Inspector.

Please send me the actual warning letter the force issued to the person in question, telling me the date of the incident that the officer was given a warning about. The letter can be redacted if it has to be to protect personal information.

The Final Written Warning related to an incident which took place on Saturday 29th of July 2023.

Please find below a redacted copy of the letter:

"The breach of the Standards of Professional Behaviour alleged was as follows :-

On Saturday 29th of July 2023 ...

It was found that the conduct amounted to misconduct and ... concluded that it should be dealt with by way of a final written warning.

That final written warning will be put on your personal file and will remain live for a period of 2 years. Please note that any misconduct committed in the next 2 years may result in referral to a Misconduct Hearing with an option of dismissal.

I enclose a copy of the findings as set out within your misconduct meeting.

You have a right of appeal against the finding or disciplinary action taken in the following circumstances:-

the finding or disciplinary action was unreasonable;

There is evidence that could not reasonably have been considered at the misconduct hearing which could have materially affected the finding or decision on disciplinary action, or

There was a serious breach of the procedures set out in the Police (Conduct) Regulation 2020 or other unfairness which could have materially affected the finding or decision on disciplinary action.

Should you wish to appeal you must do so in writing to the Detective Superintendent, Professional Standards, **within seven working days of this notice**. You must provide a summary of your grounds for appeal (with details), and indicate whether you request a meeting. Please note that the officer hearing the appeal can confirm, reduce or overturn the decision. You have the right to be accompanied at the appeal by a police friend.

I am also enclosing a separate memorandum setting out your obligations in respect of the revelation of your formal warning and I trust that you will carry out any necessary steps regarding that matter.

Please note that in line with Chapter 8.50.1 of the National Vetting APP you will now be subject of a vetting review and the North Wales Police Vetting Team will be in touch shortly.

For your awareness Chapter 8.50.1 of the National Vetting APP sets out the following:

"Following the conclusion of a misconduct hearing or meeting where the officer, special constable or member of staff is not dismissed but has been issued with a written warning or a final written warning, a review of vetting clearance should be carried out. The review includes a consideration of the applicant's suitability to maintain the level of clearance held and to continue in the post they occupy."

The remainder of the detail has been redacted under Section 40 (2):

The information you have requested 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.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 31/03/2025