



STRATEGIC POLICING AND CRIME BOARD

2 July 2013

DECISION

WEST MIDLANDS POLICE AND CRIME COMMISSIONER

Redaction Policy

PURPOSE OF REPORT

1. Attached to this report is a copy of a draft redaction policy on which the Commissioner seeks the Board's comments.

BACKGROUND

2. The Commissioner has indicated that he intends to seek the views of the Board on any decisions that he intends to make. Attached to this report at **Annex A** is a copy of a draft redaction policy document which the Commissioner needs to have in place to ensure that there is transparency in his approach to the publication of information for the benefit of the public.
3. The draft redaction policy document contains the background to the policy.

RECOMMENDATIONS

4. The Board is asked to comment on the draft policy. The Commissioner will take account of the Board's comments in making his decision to approve any policy.

Author of the Report: David Giles, Head of Internal Audit
West Midlands Office for Policing and Crime

**WEST MIDLANDS POLICE AND CRIME
COMMISSIONER**

NON-CONFIDENTIAL

Draft NOTICE OF DECISION

#/2013

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Title: **West Midlands Police and Crime Commissioner**

**Redaction Policy reference the publication requirements of the Specified
Information Order 2011/12**

EXECUTIVE SUMMARY

By virtue of section 11(1) of the Police Reform and Social Responsibility Act, 2011 the Commissioner has a statutory requirement to publish information specified by the Secretary of State. The Secretary of State has set out the information to be published in the Elected Local Policing Bodies (Specified Information) Order 2011 and the Local Policing Bodies (Specified Information) (Amendment) Order 2012.

The Commissioner's redaction policy in relation to this information is attached to this notice of decision.

DECISION

I approve the attached Redaction Policy which establishes the approach and principles for decision making that I will use.

West Midlands Police and Crime Commissioner

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the West Midlands Office for Policing and Crime. Any interests are indicated below.

Signature.....

Date.....

NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER

INTRODUCTION AND BACKGROUND

By virtue of section 11(1) of the Police Reform and Social Responsibility Act 2011 the Commissioner has a statutory requirement to publish information specified by the Secretary of State. The Secretary of State has set out the information to be published in the Elected Local Policing Bodies (Specified Information) Order 2011 and the Local Policing Bodies (Specified Information) (Amendment) Order 2012.

In developing the Commissioner's redaction policy, which is attached to this notice of decision, reference has been made to guidance produced by the Opening up Government Data website and the Association of Policing and Crime Chief Executives. Consideration has also been given to the requirements of the Data Protection Acts 1988 and 2003 and the Freedom of Information Act 2000.

FINANCIAL IMPLICATIONS

There are no direct costs associated with use of the Redaction Policy.

LEGAL IMPLICATIONS

The statutory background to the requirements for a redaction policy is set out in this notice of decision. The policy allows for redactions to be made on an informed basis. This includes information on the legal implications of such redactions.

The Commissioner has power under paragraph 14 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.

EQUALITY IMPLICATIONS

The Commissioner will ensure that the operation of the Redaction Policy ensures that consideration is given to the equality implications of any such redaction.

Schedule of Background Papers

There are no background papers for this decision making report.

Public Access to Information

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.



Annex A

West Midlands Police and Crime Commissioner

Draft Redaction Policy

Introduction

1. This policy establishes the general approach and principles to be applied in the redaction of information required under the Elected Local Policing Bodies (Specified Information) Order 2011 and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012. This includes that applied to each item of expenditure of the elected local policing body exceeding £500 (other than a crime and disorder reduction grant), by the Police and Crime Commissioner for the West Midlands (the Commissioner). It outlines the redaction process together with providing information on how decisions will be made as to which items of information are to be subject to redaction.

Background

2. When developing this policy, consideration was given to the Opening up Government Data site which outlined the principles to be applied. The full [Guidance details and principles](#) have been published on the Commissioner’s website. Within this guidance, two particular tables deal with the issue of redaction and define:
 - The data to be included;

No.	Examples of transactions that should be published	Reason
1	Payments to other government and public sector bodies	All transactions whether with other public or private sector bodies should be included
2	Payments to government or other third party service providers	All transactions should be included
3	Payments to sole traders	Business rather than personal expenditure
4	Payments for secondees	Payment for service rather than personal or pay bill expenditure. However, if a secondee’s pay would become transparent, this should be redacted.
5	Travel and subsistence claims	
6	Service charge element of pension contributions	
7	Ex-gratia payments above contract price	The full payment cost is required
8	Credit notes	Needed to ensure correct transaction values have been recorded

No.	Examples of transactions that should be published	Reason
9	Policy lending (other than to individuals, or funds management)	Regarded as spend
10	Gifts	Publishable under FOI
11	Rent and business rates	Standard expenditure costs

- and that permissible for redaction

No.	Examples of transactions that may be excluded from publication	Reason	Redacted or Excluded
1	Salary payments to staff (including bonuses)	Personal information protected by the Data Protection Act	Excluded
2	Pension contributions (excluding service charge) and National Insurance Contributions		Excluded
3	Severance payments		Redacted
4	Payments to individuals from legal process - compensation payments, legal settlements, fraud payments		Redacted
5	Competition prizes – where a normal part of operations		Redacted
6	Settlements made with companies as an arbitration which is conditional on confidentiality	Commercial-in-confidence – exempt under FOI	Redacted
7	Potential betrayal of a commercial confidence, or prejudice to a legitimate commercial interest	Very rare and will need to be justified	Redacted
8	Transactions relating to the financing or underwriting of debt e.g. purchase of credit default swaps	Outside the definition of expenditure for this purpose	Excluded
9	Provisions or promises to pay not yet realised		Excluded

3. These tables form the basis on which information is to be published. However, other factors will be applied. Consideration will be given to whether the information, if published:
- would, in the view and advice of the chief officer of police and/or the Commissioner's statutory officers, be against the interests of national security;
 - might, in the view and advice of the chief officer of police, jeopardise the safety of any person;

- might, in the view and advice of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or
- is prohibited by or under any enactment.

Redaction framework

4. Accordingly, to comply with the above demands the Commissioner will adopt the redaction principles detailed in the tables above, within the following redaction policy framework;

A. Expenditure

- Expenditure for sensitive areas such as counter-terrorism that may endanger individuals or compromise an operation will be removed;
- Where people's names are listed in the context of "not in the line of West Midlands Police duties" – this includes names of people that have received payments for destroyed lost property but not the names of employees who have claimed work-related expenses, the name will be redacted but the other details will remain;
- Any expenditure that relates to a legal settlement and which may identify the recipient, in case the terms of the settlement are breached, will be removed; and
- Expenditure that reveals the identity of service providers where confidentiality is required to ensure their safety e.g. commercial kennels that accommodate seized dogs on behalf of West Midlands Police will be removed.

B. Estates

- Address details for covert buildings will be excluded.

C. Contracts

- As for expenditure, contracts that are sensitive in terms of protecting the safety of others will not be published however it should be noted that this will be the exception rather than the rule and could include contracts such as for agreements with kennels to house dangerous dogs on the Force's behalf. In most cases the decision making process will already have been undertaken by Contracts and Procurement who will have applied the same criteria to manage the circulation of the Invitation to Tender; and
- Where contracts include details of technical design that could put the Force infrastructure at risk if in the public domain, these sections will be redacted.

D. Gifts and Hospitality

- Details containing personal information such as the name of a victim who has sent in a gift of thanks to an officer will be redacted as "personal information".

E. Senior employees

- The job title, responsibilities and salary of each senior employee, as defined by the Elected Local Policing Bodies (Specified information) Order 2011 will be published. The name of the employee will also be published unless, as permitted by the Order, the senior employee refuses to consent to the publication of their name. However it should be noted that this may only give them limited protection as there is likely to be only one such senior manager in any given senior role.

Draft Decision