

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 22 April 2014

**Public Authority:** Chief Constable of Lancashire Constabulary  
**Address:** Police Headquarters  
Saunders Lane  
Hutton  
Preston  
PR4 5SB

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the revocation of firearms licences.
2. The Commissioner's decision is that Lancashire Constabulary has disclosed all of the information held.
3. The Commissioner does not require the public authority to take any further steps.

### Request and response

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4. On 28 June 2013, the complainant wrote to Lancashire Constabulary and requested information in the following terms:

*"Under the Freedom of Information Act 2000, I request the following information:*

- (A) *In the last 5 years how many firearm and/or shot gun licences have been REVOKED CIVILLY (ie not criminal revocation) like mine.*
- (B) *Subclassify "A" into white and non white people. If you don't hold that information (contrary to equality act 2010) then subclassify by whether their names sound white (caucasian) or "foreign" or non white eg Tom Jones would be likely to be a white man, Ahmed would be likely to be a non white man.*

- (C) *How many in "A" had this civil revocation (like mine!) recorded onto their PNC (like mine was).*
- (D) *How many in "B" had their civil revocation recorded onto their PNC.*
- (E) *If the cost of this straightforward job is going to be > £450 or take > 20 working days then can you do it for the last 12 months if the numbers are too high. Please note a PNC entry substantially & adversely prejudices any right to a fair trial (antecedent cautions for example are evidence of bad character) or a fair encounter by a police officer in the street as police, being human, will obviously consider someone with a clean PNC different to one whose PNC is smeared or tainted by an entry like a firearm revocation (that is also unqualified and based on the rants of a self confessed racist farmer assisted by a dishonest policeman that pushed for it at the time)".*

5. On 22 August 2013 Lancashire Constabulary responded as follows:

*"Your request has now been considered and some of the information you are seeking can be found below:-*

- A) In the past five years, 104 firearms/shotgun certificates have been revoked within Lancashire.*
- B) This information cannot be provided as ethnicity is not routinely recorded on the force's firearms licensing systems, as you were advised in response to your previous freedom of information request in 2010 (our ref2688/10). We are not prepared to make a subjective decision of someone's ethnicity based on whether their name sounds "foreign". This is not a valid disclosure request under the Freedom of Information Act 2000, as this information is not already recorded by the force, and in any case such a method as suggested in your request for determining ethnicity would in no way guarantee any degree of accuracy in the results obtained.*
- C) All revocations are recorded onto the PNC record of the respective individual.*
- D) As per B)".*

6. The complainant requested an internal review on 29 August 2013. In requesting an internal review, the complainant sought clarification as to whether firearms revocations were recorded on the PNC contemporaneously or retrospectively following his FOI request. In relation to the element of the request regarding ethnicity he also suggested that photographs could be checked in order to provide the information requested.

7. Lancashire Constabulary sent the outcome of its internal review on 17 October 2013. It upheld its position in relation to much of the request but revised its position in relation to the request as it related to the ethnicity of those subject to a firearms/shotgun revocation. Lancashire Constabulary confirmed that of the 104 revocations, information regarding ethnicity was held in 23 cases and of the 23, 21 were white and 2 were unknown. In 81 cases no information was recorded regarding colour/ethnicity.

### **Scope of the case**

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8. The complainant contacted the Commissioner to complain about the way his request for information of 28 June 2013 had been handled. Specifically the complainant did not accept that information regarding ethnicity was held in only 23 cases as every application required a colour photograph which could be used to determine ethnicity.
9. The Commissioner considers the scope of his investigation is to determine whether Lancashire Constabulary holds any other information pursuant to the request.

### **Reasons for decision**

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10. Section 1(1)(a) and 1(1)(b) of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and if so, to have that information communicated to him.
11. In considering cases such as this the Commissioner will consider whether, on the balance of probabilities, the requested information is held. In order to reach a decision on this the Commissioner will ask the public authority detailed questions as to the nature of the requested information and the searches it has carried out. He will then consider the context of the case, the nature of the requested information, the authority's responses, the arguments provided by the complainant and any evidence to suggest that the information in question is held.
12. The Commissioner wrote to Lancashire Constabulary setting out a list of detailed questions regarding any searches undertaken and more specifically regarding the recording of information relating to firearms licensing.

13. Lancashire Constabulary confirmed that information relevant to the request had been sought from Operations Services at Police Headquarters as this department has responsibility for the management and processing of firearms applications and licences.
14. Details of firearms applications are held on a local corporate firearms system. Information would not be stored on other local or personal computers.
15. The electronic system contained a field relating to ethnicity but as the information was not mandatory the field was not always populated.
16. Search terms were used in order to locate information held about firearms and shotgun licences which had been revoked. Once all the appropriate records had been retrieved, they were checked for information pertaining to ethnicity.
17. The Lancashire Constabulary firearms application form did not, at the time of the request, ask for details of ethnicity. Consequently, information would only be recorded on the system if it had been obtained from the Police National Computer (PNC) during the application process or in the event of a subjective assessment based on the photograph and any other personal data contained within the application form. The information would be recorded only as 'white', 'non-white' or 'unknown'. Lancashire Constabulary confirmed also that the PNC is updated at the time a firearms licence is revoked.
18. The information provided to the complainant has been taken from this local electronic firearms system.
19. Records relating to firearms licensing are maintained in accordance with national guidelines on disposal and retention. Lancashire Constabulary was able to confirm that no recorded information falling within the scope of the request had been deleted or destroyed. In accordance with the national Management of Police Information weeding guidelines, and the Firearms legislation, the record of a refusal or revocation of a firearm would be retained until the subject has reached 100 years of age and would be reviewed every 10 years.
20. There is no statutory requirement for Lancashire Constabulary to record or retain details of ethnicity in relation to a firearms licence application.
21. Lancashire Constabulary advised the Commissioner that its application form was changed from 1 December 2013 and that details of 'equality information' are now requested on the form. The provision of this information is not mandatory.

22. Whilst Lancashire Constabulary understands that reviewing each photograph on an application form may allow for a well educated guess as to a person's ethnicity, it would in itself amount to the processing of sensitive personal data and could lead to an inaccurate assessment.
23. The Commissioner notes that the complainant does not suggest that Lancashire Constabulary holds additional recorded information which it is withholding but rather that it should use existing documentation to make a subjective assessment as to the ethnicity of those people whose firearms licence has been revoked.
24. In respect of making any subjective assessment as to ethnicity, the Commissioner would note that any request for information under the Freedom of Information Act is a request for recorded information and a public authority is not required to create information in order to meet the scope of a request.
25. Having considered the submissions put forward by the complainant and the public authority, the Commissioner is of the view that Lancashire Constabulary has undertaken relevant searches which have resulted in the disclosure of some information within the scope of the request but that on the balance of probabilities, no further information is held relevant to the request.

## Right of appeal

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26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Alexander Ganotis**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**