

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 December 2024

Public Authority: Chief Constable of Lincolnshire Police
Address: Police Headquarters
PO BOX 999
Lincoln
LN5 7PH

Decision (including any steps ordered)

1. The complainant has requested information about ram raid incidents from Lincolnshire Police. Lincolnshire Police advised that some information was not held and that some was already available to the complainant and was therefore exempt under section 21 (Information accessible to applicant by other means) of FOIA. It would neither confirm nor deny (NCND) holding the remaining information, citing sections 30 (Investigations and proceedings) and 40 (Personal information) of FOIA.
2. The Commissioner's decision is that section 21 was appropriately applied. He finds that sections 40(2) and 40(5)(b) are properly engaged in respect of some of the information and that Lincolnshire Police was entitled to NCND holding the remainder under section 30(3) of FOIA. No steps are required.

Request and response

3. On 18 April 2024, the complainant wrote to Lincolnshire Police and requested the following information (numbering added for convenience):

"I would like to receive, by email, information relating to 12 ram raids which I have listed below

- (1) Incident 29 of March 27, 2024 (Market Deeping)
- (2) Incident 14 of January 16, 2024 (Boston)
- (3) Incident 12 of November 13, 2023 (Stamford)
- (4) Incident 4 of December 4, 2023
- (5) Incident 40 of December 27, 2023 (Crowland)
- (6) Incident 6 of May 19, 2021 (Ancaster)
- (7) Incident 32 of April 9 (Kirton)
- (8) Incident 39 of October 21, 2020 (Billingborough)
- (9) Incident 29 (Long Sutton) and 34 (Crowland) of May 6, 2020
- (10) Incident 26 of December 17 (Holbeach)
- (11) Incident number 25 of April 16, 2019 (Crowland)

For each incident please answer the following questions:

- (a) Was an arrest made?
- (b) Was a charge made?
- (c) If yes, please provide names, dates of birth and addresses.
- (d) Was the case taken to court?
- (e) Was the case dropped?
- (f) Are proceedings still active?
- (g) Are any of these incidents linked? If so, which".

4. On 22 May 2024, Lincolnshire Police responded, clarifying that the Kirton incident (7) was in 2022 and Holbeach (10) was in 2021. It advised that, in respect of parts (d), (e) and (f), it did not hold the requested information. In respect of parts (1)(a), (2)(a), (4)(a) and (4)(b) it cited section 21 of FOIA, as this information was already in the public domain at the time of the request. It would NCND holding the remaining information citing sections 30, 31 and 40 of FOIA.
5. The complainant requested an internal review on 14 June 2024, disagreeing with all the exemptions cited.
6. Lincolnshire Police provided an internal review on 10 July 2024. It made no further reference to section 31 but maintained its position in respect of the other exemptions cited.

Scope of the case

7. The complainant contacted the Commissioner on 16 July 2024 to complain about the way her request for information had been handled, disagreeing with the exemptions cited. She also raised several points which the Commissioner will comment on prior to making his other findings as, for the reasons below, these will not be taken into further consideration.
8. The complainant's grounds were as follows:

"I fail to see how 'confirming or denying whether information exists relevant to this request would lead to a better informed general public...' and 'encourage individuals to provide intelligence' is a bad thing. Providing this information helps demonstrate transparency and openness.

There could be an inference that Lincolnshire Police may not have found those guilty of committing the ramraids, therefore answering the FoI would shed light on this.

If criminals know Lincolnshire Police is successfully prosecuting ramraiders it may deter them. If not, it is in the public interest for taxpayers to know.

In response to my request for an internal review, they cite the balance between transparency and the 'right to be forgotten/privacy'. I accept the right to be forgotten if a person has served their sentence. However, in this case it is not clear this would apply. We take seriously our responsibility as a publisher and would not be looking to use material that does not meet the legal threshold.

The principle of open justice dictates it is standard practice for those charged with offences to be named by police/in court. The College of Policing guidelines support this. I have been given no information suggesting the standard practice should not apply.

I disagree with Information Reasonably Accessible by Other Means as the website may be out of date. We would not be doing our job, as a responsible publisher, were we not to check if the situation has changed since the publication of the initial facts from the police. Lincolnshire Police does not update its press releases when it closes investigations or cases are no longer active so this is not reasonably accessible.

If the Lincolnshire Police press office was approached by a journalist and asked these questions for individual incidents, they would provide answers. Because these questions are being submitted to gain a bigger picture, it does not justify refusal".

9. The Commissioner would initially like to advise the complainant that the police do not prosecute offenders, nor do they decide whether anyone is or isn't guilty. This is done by the Crown Prosecution Service and the justice system. Therefore, any related arguments in that regard, fall away.
10. The complainant also needs to understand that disclosure under FOIA is disclosure to the world at large and cannot be restricted to any

particular individual irrespective of whether or not they are a 'responsible publisher'. Therefore, this argument also falls away.

11. Furthermore, in respect of any discreet disclosure to the media, this is not a matter for the Commissioner. Whether or not to disclose information to the media at any given time is a matter for a police force to consider in light of all the circumstances. Disclosure under FOIA is a separate, statutory regime from any disclosure made via appropriately prepared and managed media statements.
12. The Commissioner asked Lincolnshire Police for its views regarding the complainant's grounds of complaint in respect of information on the College of Policing website. It responded as follows:

"The College of Policing website does make reference to forces actively publishing names of people who have been charged, however, it goes on to caveat this with 'Forces should proactively release charging information where the crime is of a serious nature, such as rape or murder, where the incident has already been reported in the media or on social media sites, or for public reassurance reasons.'

When it comes down to release of names, dates of birth and addresses under FOIA, there is a balance to be had between transparency and the 'right to be forgotten'/'right to privacy'. In other words, it would not be expected for information to re-enter the public domain via FOI, for incidents that are no longer current or no longer in the public domain - [ic-127412-p1r1.pdf](#)¹ ([ico.org.uk](#)) states:

'The Commissioner notes the complainant's comments regarding the hearing held in public as part of the open justice principle. However, the Commissioner's guidance on information in the public domain states that if information has entered the public domain before the date of the request, it does not remain there indefinitely. Even if the information was previously revealed in open court, this does not make the information still available at the date of the request. There is some media coverage about the hearing still available online, confirming that the officer was dismissed, but this is limited in nature and only names the officer. As such, none of the individuals concerned would reasonably expect this information to be released again under

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2022/4021431/ic-127412-p1r1.pdf>

FOIA. With regard to proceedings which are heard publicly, there is still a reasonable expectation of privacy”.

13. The Commissioner can confirm that the extract cited by Lincolnshire Police above remains his view. Whilst a disclosure via the media might be proportionate in particular circumstances, it is not standard practice for those charged with offences to always be named by police, as implied by the complainant. Whilst he accepts that parties will usually be named in court proceedings, this is a necessary part of those proceedings and is for that specific purpose only. Disclosure for judicial proceedings is a separate regime to disclosure under FOIA.
14. No reference to some of the information not being held has been made by the complainant so the Commissioner will not further consider this factor, ie the response to parts (d), (e) and (f) of the request.
15. At a late stage during the investigation, Lincolnshire Police advised that it also wished to rely on section 30(3) in respect of parts 1(b) and 2(b) of the request. For expediency, the complainant has not been advised regarding this amendment; the Commissioner does not consider her to be disadvantaged by this as this is only an extension to what has already been cited.
16. The Commissioner will consider the application of exemptions below.

Reasons for decision

Section 21 – information accessible to the applicant by other means

17. This exemption has been relied on in respect of parts (1)(a), (2)(a), (4)(a) and (4)(b) of the request. Information is exempt from disclosure under section 21 of FOIA if it is accessible to the applicant by other means.
18. Section 21 is an absolute exemption which means there is no requirement to carry out a public interest test if the exemption is engaged.
19. Unlike most exemptions, the circumstances of the applicant must be considered, as the information must be reasonably accessible to the particular applicant.
20. Whether the information was actually accessible to the complainant was not an argument she made, so this has not been considered.
21. Rather than the issue being one of access, for example technical or IT problems, the complainant has argued that the information isn't reasonably accessible as the website may be out of date and the

situation may have changed since the initial website publication. She has further commented that the force doesn't update its press releases when cases are closed or no longer active.

22. In response to these concerns, Lincolnshire Police has advised:

"... the complainant argued that the information may be out of date, however, the question posed was whether an arrest was made with no additional question about the arrests and the links answered this question as relevant at the time of processing.

... the supplied links were accessible at the time we responded to the request".

The Commissioner's view

23. The Commissioner is satisfied that the information requested at parts (1)(a), (2)(a), (4)(a) and (4)(b) of the request was reasonably accessible to the complainant on Lincolnshire Police's website at the time of the request. Whilst it is no longer available to view, he was advised that:

"The links to information released by Lincolnshire police related specifically to the requested information (i.e. information relating to the specified ram raid incidents). There is a six-month time limit on publication on operational matters to ensure we are not showing out-of-date information on our website".

24. The Commissioner considers this to be a plausible response to its current availability. As regards whether it was or wasn't up to date, as suggested by the complainant, this is not a matter for the Commissioner to consider when determining whether or not something is reasonably accessible. Statements of this type are regularly published by police forces and are always going to be subject to change as matters progress through the criminal justice process. However, FOIA is not required to take into account such flux and, under section 1(4) of FOIA, a public authority is only required to disclose information which is held **at the time** a request is received. This information does not have to be up to date or accurate.

25. The Commissioner finds that Lincolnshire Police complied with section 21 insofar as the information was reasonably accessible to the complainant at the time of the request. He makes no finding, as it is not within his powers under FOIA, as to whether this was up to date or accurate.

26. Furthermore, it is not within the Commissioner's powers to require a public authority to continually update entries on its website

27. As the information specified in parts (1)(a), (2)(a), (4)(a) and (4)(b) of the request was accessible to the complainant by other means at the time of her request, the Commissioner concludes that Lincolnshire Police was entitled to rely on section 21 of FOIA in respect of the information in question.

Section 40 – Personal information

28. The Commissioner will next consider Lincolnshire Police's response in respect of the incidents referred to in parts (3) and (5)-(11), where Lincolnshire Police has taken an NCND stance in respect of parts (a) (whether an arrest was made), (b) (whether anyone was charged) and (c) (name, address and date of birth of charged individuals) of the request.
29. Section 40(5B)(a)(i) of FOIA provides that the duty to confirm or deny whether information is held does not arise if it would contravene any of the principles relating to the processing of personal data set out in Article 5 of the UK General Data Protection Regulation ('UK GDPR') to provide that confirmation or denial.
30. Therefore, for Lincolnshire Police to be entitled to rely on section 40(5B) of FOIA to refuse to confirm or deny whether it holds information falling within the scope of the request, the following two criteria must be met:
- confirming or denying whether the requested information is held would constitute the disclosure of a third party's personal data; and
 - providing this confirmation or denial would contravene one of the data protection principles.

Would the confirmation or denial that the requested information, if held, constitute the disclosure of a third party's personal data?

31. Section 3(2) of the DPA 2018 defines personal data as: "any information relating to an identified or identifiable living individual".
32. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
33. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
34. It is not known whether anyone has been arrested or charged in respect of these crimes as no further details have been released by the force. All of the incidents were reported in the media at the time and each refers to multiple parties being involved in each ram raid, albeit the number of suspects is not always included. However, the Commissioner notes that

the incident number², date and location of the incidents have been disclosed and the nature of the alleged offence is also known. The point that the Commissioner must decide upon is whether, from the information that is available only, any party is identifiable. If so, then confirmation or denial as to whether any further information is held would reveal something about those parties.

Motivated intruder

35. A test used by both the Commissioner and the First-tier tribunal in cases such as this is to assess whether a 'motivated intruder' would be able to recognise an individual if he or she was intent on doing so. The 'motivated intruder' is described as a person who will take all reasonable steps to identify the individual or individuals but begins without any prior knowledge. In essence, the test highlights the potential risks of reidentification of an individual from information which, on the face of it, appears truly anonymised.
36. The ICO's Code of Practice on Anonymisation³ notes that:

"The High Court in [R (on the application of the Department of Health) v Information Commissioner [201] EWHC 1430 (Admin)] stated that the risk of identification must be greater than remote and reasonably likely for information to be classed as personal data under the DPA".
37. In summary, the motivated intruder test is that if the risk of identification is "reasonably likely" the information should be regarded as personal data.
38. Clearly the offenders themselves would recognise the incident and would know that it was about them which, in itself, does not cause the Commissioner any concern. However, in these cases there are multiple offenders so any confirmation or denial would reveal something about their associates, eg one offender may have been arrested and charged but another has evaded capture. Confirmation or denial in this scenario could therefore reveal information that is not already known. In this respect, ie where there are multiple offenders, the Commissioner considers that disclosure would reveal personal information to the

² The incident number is thought to have been provided to the complainant as a disclosure to the media rather than being obtained as an FOI request

³ <https://ico.org.uk/media/fororganisations/documents/1061/anonymisation-code.pdf>

parties concerned. There is also a realistic possibility that, based on the level of detail which is already available, other friends and family members may be aware of the offenders' involvement and be able to identify them from what is already known.

39. Having considered this information, the Commissioner is satisfied that each incident relates to alleged offenders committing a specific crime at a specific location on a known date. Whilst there are no names in the request, the Commissioner finds that friends, family and associates could recognise the alleged offender/s (and they could recognise each other) from the descriptors given and could learn something about that party were a confirmation or denial provided, eg whether or not they had been arrested or charged. This would still be the case were parts (a) or (b) responded to without a response to (c), which is clearly a direct request for personal information as it seeks names and identifiers.
40. The Commissioner is therefore satisfied that the risk of identification is reasonably likely. The information requested both relates to, and identifies, those concerned. This information therefore falls within the definition of 'personal data' in section 3(2) of the DPA.
41. The Commissioner is satisfied that, if Lincolnshire Police confirmed whether or not it held any of the requested information, this would result in the disclosure of those third parties' personal data. The first criterion set out above is therefore met.

If held, would the information be criminal offence data?

42. Lincolnshire Police has also argued that confirming or denying whether it holds the requested information would result in the disclosure of information relating to the criminal convictions and offences of a third party.
43. Information relating to criminal convictions and offences is given special status in the UK GDPR. Article 10 of UK GDPR defines 'criminal offence data' as being personal data relating to criminal convictions and offences. Under section 11(2) of the DPA 2018 personal data relating to criminal convictions and offences includes personal data relating to:
 - (a) The alleged commission of offences by the data subject; or
 - (b) Proceedings for an offence committed or alleged to have been committed by the data subject of the disposal of such proceedings including sentencing.
44. Clearly the wording of the request relates to alleged criminal offences. For Lincolnshire Police to confirm publicly whether or not it holds any of the remaining information would therefore result in the disclosure of

information relating to criminal convictions and/or offences of named third parties.

45. Criminal offence data is particularly sensitive and therefore warrants special protection. It can only be processed, which includes confirming or denying whether the information is held in response to an FOI request, if one of the stringent conditions of Schedule 1, Parts 1 to 3 of the DPA 2018 can be met.
46. The Commissioner has considered Lincolnshire Police's position and the conditions attached to Schedule 1, Parts 1 to 3. Having regard to the restrictive nature of the conditions, he has concluded that none can be met.
47. As none of the conditions required for processing criminal offence data are satisfied there can be no legal basis for confirming whether or not the requested information is held; providing such a confirmation or denial would breach data principle (a) and therefore the second criterion of the test set out above is met. It follows that Lincolnshire Police is entitled to refuse to confirm or deny whether it holds the information requested at parts (3) and (5)-(11) of the request on the basis of section 40(5B)(a)(i) of FOIA.
48. In respect of the responses for parts (1)(a) and (2)(a), Lincolnshire Police previously confirmed that arrests had been made so this information was exempt under section 21, as considered above. However, a response had not been provided for parts (1)(b), (1)(c), (2)(b) and (2)(c) of the request so this will be considered next; a NCND position has been relied on for this information.
49. Based on the same rationale for those parts of the request considered above, the Commissioner finds that confirmation or denial would result in the disclosure of personal information. Furthermore, this would consist of criminal offence data.
50. The Commissioner therefore finds that Lincolnshire Police was entitled to NCND holding this criminal offence data by virtue of section 40(5B)(a)(i) of FOIA.
51. The Commissioner will next consider the citing of section 40(2) in respect of part (4) of the request, the only part where it has not relied on the NCND provision. This is on the basis that the parties concerned had been previously named and it was disclosed that they had been arrested and charged. Furthermore their names, ages and partial addresses had been disclosed (one is of no fixed abode) albeit their actual dates of birth had not been. Therefore, the Commissioner is only considering disclosure of the full addresses and their dates of birth, which he considers to be clearly their personal information.

52. In this respect, Lincolnshire Police is only processing this information, ie retaining it for a policing purpose, as it relates to the identification of a party and their alleged commission of a criminal offence. As it is being held only for this purpose, in this context the Commissioner also considers it to be criminal offence data.
53. (Were it not considered to be criminal offence data, the Commissioner would nevertheless conclude that disclosure was not necessary as the ages have already been disclosed which satisfies any legitimate interest. He would find provision of actual dates of birth to be unnecessarily intrusive and likely to result in unwarranted damage or distress to those individuals concerned and that any legitimate interest would therefore not outweigh their fundamental rights and freedoms.)
54. For the same reasons cited when considering the NCND provisions above, the Commissioner concludes that Lincolnshire Police was entitled to withhold this criminal offence data by virtue of section 40(2), by way of section 40(3A)(a) of FOIA.

Section 30 - Investigations and proceedings

55. As the Commissioner has found section 40 to be properly engaged in respect of the majority of the request, he is only considering section 30(3) in respect of part (g) of the request, ie whether any of the crimes are linked.
56. Section 30(3) of FOIA provides an exclusion from the duty to confirm or deny in relation to any information which, if it were held, would fall within any of the classes described in sections 30(1) or 30(2) of FOIA.
57. Subsection (1) exempts, as a class, any information held at any time by a public authority for the purposes of a criminal investigation or criminal proceedings conducted by it. Subsection (2) additionally exempts, as a class, information relating to the obtaining of information from confidential sources (informers) if it was obtained or recorded for the purposes of the authority's functions relating to such investigations or proceedings.
58. In this case, Lincolnshire Police did not specify which limb of section 30(1) would be applicable. However, based on its arguments, it is clear to the Commissioner that it would be section (1) as there is no reference to confidential sources.

59. The Commissioner's guidance⁴ on section 30 states that the phrase "at any time" means that information can be exempt under section 30(1) if it relates to a specific, ongoing, closed or abandoned investigation.

60. His guidance also states:

"It is not necessary that the investigation leads to someone being charged with, or being convicted of an offence. However, the purpose of the investigation must be to establish whether there were grounds for charging someone, or if they have been charged, to gather sufficient evidence for a court to determine their guilt. Section 30(1)(a) will still protect information if a police investigation fails to establish that an offence has been committed, or concludes that there is insufficient evidence to charge anyone".

61. Consideration of section 30(3) is a two-stage process. First, the exemption must be shown to be engaged. Secondly, as section 30 is a qualified exemption, it is subject to the public interest test.

62. The first step is to address whether, if Lincolnshire Police holds information falling within the scope of the complainant's request, it would fall within the classes specified in section 30(1) of FOIA.

63. The Commissioner is satisfied that, as a police force, Lincolnshire Police has a duty to investigate criminal offences and allegations of offences.

64. Given the context and wording of the requests, the Commissioner is also satisfied that, if Lincolnshire Police holds information falling within the scope of the request, it would be held for the purpose of specific criminal investigations meaning that section 30(1) would be properly engaged.

65. As the information, if held, would fall within the class described in section 30(1) Lincolnshire Police is entitled to rely on section 30(3) to neither confirm nor deny whether it holds this information. The exemption provided by section 30(3) is, therefore, engaged.

Public interest test

66. Section 30 is subject to the public interest test, as set out in section 2 of FOIA. This means that although section 30 is engaged, confirmation or denial must still be provided unless, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public

⁴ <https://ico.org.uk/media/for-organisations/documents/1205/investigations-and-proceedings-foi-section-30.pdf>

interest in confirming or denying whether the requested information is held.

67. In accordance with his guidance, when considering the public interest in maintaining exemptions, the Commissioner considers that it is necessary to be clear what they are designed to protect.
68. In broad terms, the section 30 exemptions exist to ensure the effective investigation and prosecution of offences and the protection of confidential sources. They recognise the need to prevent disclosures that would prejudice either a particular investigation or set of proceedings, or the investigatory and prosecution processes generally, including any prejudice to future investigations and proceedings.
69. However, it needs to be borne in mind that section 30 is not an absolute exemption and there will be occasions where the public interest overrides any inherent harm in this exemption; this goes, too, for the NCND principle.

Public interest arguments in favour of confirming or denying

70. The complainant considers that there is a public interest in transparency. She also refers to the principle of open justice, which is not an argument that is specific to FOIA.
71. Lincolnshire Police argued:

“Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Lincolnshire Police robustly investigates ram raid crimes. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations”.

Public interest arguments against confirming or denying whether the information is held

72. Lincolnshire Police told the complainant:

“By its very nature, information relating to the safety of the community is highly sensitive. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts which would undermine the investigative process and in such cases Lincolnshire Police takes advantage of its ability under FOI legislation to, where appropriate, neither confirm nor deny that information requested is or is not held.

Irrespective of what information is or isn't held, any information which could be used to undermine prosecutions or aid offenders is not in the public interest”.

Balance of the public interest

73. Lincolnshire Police advised the complainant:

“Although there is a public interest in knowing whether Lincolnshire Police has made any arrests or charges in relation to ram raid incidents and allow communities to be more aware and take steps to protect themselves [sic]. However, Lincolnshire Police would not want to undermine any local or national operations which may be taking place to combat ram raids. To confirm or deny that this information is held locally would not only provide local information that would undermine any local operations if ongoing but also any national ones which may take place. The information would directly relate to intelligence and being able to map this across the country would be of use to criminal groups conducting ram raids as it would give a picture as to which forces are aware of the individuals in its area conducting these offences”.

74. The purpose of section 30 is to preserve the ability of applicable public authorities to carry out effective criminal investigations. Key to the balance of the public interest in cases where this exemption is found to be engaged, is whether the act of confirming or denying whether the requested information is held could have a harmful impact on the ability of the public authority to carry out such investigations.

75. This does not mean that public authorities should use a NCND response in a blanket fashion. They should base their decision on the circumstances of the particular case with regard to the nature of the information requested and with appropriate consideration given to the public interest test. Clearly, it is not in the public interest to jeopardise the ability of a public authority to investigate crime effectively.

76. The issue for the Commissioner to determine is whether it is in the public interest to disclose, by way of confirmation or denial, that the requested information is held. In that respect he is mindful that the request in this case is not about whether an investigation took place, rather it is in relation to specific information that, if held, relates to an investigation.

77. In reaching a view on where the balance of the public interest lies in this case, the Commissioner has taken into account the nature of the requested information as well as the views of both the complainant and Lincolnshire Police.

78. The Commissioner accepts that it is important for the public to have confidence in the Police's investigative capabilities. Accordingly, there is a general public interest in disclosure, by way of confirmation or denial, of the requested information in order to promote accountability and transparency and to maintain confidence and trust.
79. He also recognises that there is a very strong public interest in protecting the investigative capabilities of public authorities. Confirmation or denial in this case could reveal information to those who were involved in the ramraids. It would indicate the extent of information which the force has gathered and whether or not it is aware of any possible link between the crimes. Such a disclosure under FOIA would not be in the public interest as it could serve to undermine any intelligence the force holds regarding the crimes by revealing its position, whether this were to show that it knew there was a link or had not established one.
80. The Commissioner has also taken into account the need to protect Lincolnshire Police's ability to adopt a consistent approach when responding to similar requests for detailed information about its investigations in the future.
81. In considering the balance of the public interest in this case, the Commissioner recognises that there is a significant public interest in the need to prevent disclosure (by way of confirmation or denial) that would prejudice either a particular investigation or set of proceedings, or the investigatory and prosecution processes generally, including any prejudice to future investigations and proceedings. This goes to the heart of what the section 30 exemption is designed to protect.
82. The Commissioner recognises that confirmation or denial in relation to the specifics of an investigation might generally be harmful to Lincolnshire Police's ability to manage its investigations effectively. He accepts that it has the potential to undermine its present and future investigations and therefore hinder its ability to conduct its policing functions, which would not be in the public interest.
83. Having given due consideration to the opposing public interest factors in this case, the Commissioner has concluded that the factors in favour of confirmation or denial do not equal or outweigh those in favour of maintaining the exemption. Accordingly, the Commissioner is satisfied that Lincolnshire Police is entitled to rely on section 30(3) of FOIA.

Right of appeal

84. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

85. 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.
86. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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