

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 September 2023

**Public Authority:** Chief Constable of Thames Valley Police  
**Address:** Headquarters  
Oxford Road  
Kidlington  
OX5 2MX

#### **Decision (including any steps ordered)**

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1. The complainant has requested to know the number of knives recovered from proactive knife sweeps conducted using metal detection equipment. Thames Valley Police ('TVP') said that it does not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, TVP does not hold the requested information.
3. The Commissioner does not require any steps as a result of this decision.

#### **Request and response**

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4. On 22 May 2023, the complainant wrote to TVP and requested information in the following terms:  

"Please could you provide me with a breakdown by year of the number of knives recovered during proactive knife sweeps conducted using metal detection equipment since 2020. That is - sweeps carried out with no specific intelligence to indicate the presence of a knife in any given location."
5. TVP wrote to the complainant on 6 June 2023. It applied section 12(1) (Cost of compliance exceeds appropriate limit) of FOIA to refuse the request, saying:

"This requested information is not held in an easily retrievable format. In order to answer your request accurately and in full every report in which a knife was recovered would need to be manually reviewed in order to identify how this was recovered and whether this was during a proactive knife sweep where no specific intelligence was indicated suggesting its location. Due to the large amount of information that would need to be looked through, to provide this data would exceed the appropriate 18 hour time and £450 cost limit."

6. It advised the complainant that reducing the time span of the request might avoid engaging section 12(1) of FOIA.
7. Following an internal review, TVP revised its position. It said "No information held in respect of metal detection equipment".
8. By way of assistance, it provided a link to a 2021 news report on a recent TVP knife crime initiative, which gave the number of knives seized over the course of a week<sup>1</sup>.

## **Scope of the case**

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9. The complainant contacted the Commissioner on 27 June 2023 to complain about the way his request for information had been handled. He felt TVP's initial response that the information would be too costly to provide contradicted its later claim that it did not hold the information.
10. The analysis below considers whether, on the balance of probabilities, TVP holds the requested information.

## **Reasons for decision**

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### **Section 1 - Information held**

11. Section 1(1)(a) of FOIA states that anyone making a request for information is entitled to be told whether a public authority holds the requested information.

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<sup>1</sup> <https://www.itv.com/news/meridian/2021-05-06/fight-against-knife-crime-thames-valley-undergoes-one-of-biggest-police-operations>

12. TVP says that it does not hold the requested information as it does not collect or collate information on knives recovered during knife sweeps using metal detection equipment. The complainant disputes this.
13. In such cases, the Commissioner will apply the normal civil standard of proof in determining the case and will decide on the 'balance of probabilities' whether the requested information is held. In deciding where the balance of probabilities lies, the Commissioner will consider the evidence and arguments of both parties, together with any other information as to why it is likely, or unlikely, that information is held.
14. The Commissioner understands that a 'knife sweep' is where officers search an area for discarded or hidden knives, seizing any they find.
15. In its initial response to the Commissioner's enquiries, TVP explained that no information was held because it did not use metal detectors in knife sweeps. However, the complainant referred the Commissioner to media reports which indicated that TVP did conduct such searches using metal detection equipment.
16. When questioned by the Commissioner about this, TVP said that when responding to the Commissioner's initial enquiries, there had been an internal miscommunication about the terminology used to describe the metal detection equipment it uses. TVP's investigating officer had asked about use of 'metal detectors' to recover knives and the relevant business area had responded that it didn't hold any information, on the grounds that the force uses 'knife wands' to search for knives, which are technically different from conventional metal detectors.
17. This miscommunication aside, TVP agreed that the request covered information on knife wands, but it maintained that it did not hold any recorded information from which it could answer the request.
18. It explained to the Commissioner that its original response that section 12 of FOIA was engaged (and therefore, by implication, that information was held) had "...missed the element [of the request] which related to 'metal detection equipment'". This error was recognised and corrected at the internal review, resulting in the "not held" response.
19. TVP told the Commissioner that it had made extensive enquiries and it was satisfied that, while TVP does collect data on all the knives it recovers, this does not extend to the level of detail specified in the request:

"I discussed this request with the Data & Targeting Lead in respect of knife sweeps. They provided formal confirmation that there is no force requirement to record details when a knife has been located during a knife sweep with a knife wand at a specific location. They outlined that an officer is only required to book a knife into property if one is located

and there is no require [sic] to record any details in respect of this being as a result of a knife sweep. As such, we do not hold a breakdown by year of the number of knives recovered during proactive knife sweeps conducted using metal detection equipment since 2020.”

20. To further emphasise that only limited data is currently collected, TVP explained that when an officer recovers a knife, they fill in a check box form giving certain information about how the knife was recovered. The form does not include a field which captures whether metal detection equipment was used to recover the knife. TVP said that this information is neither collected nor reported on by TVP. It said there was no statutory or business requirement for it to record the information and so it did not hold it.
21. In responding to the Commissioner’s enquiries, TVP also conducted wider searches to establish whether the requested information might be recorded in any other locations. Those searches had not located a single record which confirmed that a knife was specifically recovered using metal detection equipment, during a proactive knife sweep.
22. TVP acknowledged that its responses to the complainant had lacked clarity. It offered to speak to him, to try to clear up any misunderstanding, but he had declined, asking that the Commissioner first conclude his investigation.
23. Finally, TVP said that, as a direct result of the issues raised by this request, it had reflected on whether, going forward, it should collect the information specified in the request, so as to be able to gauge the impact and effectiveness of knife wands. It said it was currently considering how it might do this.

### **The Commissioner’s view**

24. The issue for the Commissioner to consider here is whether the requested information **is** held by TVP. It is not whether, as a matter of public policy, it **should** be held by TVP. It is not the Commissioner’s role to make a ruling on how a public authority deploys its resources, on how it chooses to hold its information, or the strength of its reasons for holding some types of information but not others. On this point, the Commissioner is mindful of the comments made by the Information Tribunal in the case of Johnson / MoJ (EA2006/0085)<sup>2</sup>, that FOIA:

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<sup>2</sup><https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i90/Johnson.pdf>

"... does not extend to what information the public authority should be collecting nor how they should be using the technical tools at their disposal, but rather it is concerned with the disclosure of the information they do hold".

25. The Commissioner considers that TVP has provided a reasonable and cogent explanation as to why, in this case, it is satisfied it does not hold the information specified in the request.
26. As regards its initial response to the request, the Commissioner would remind TVP of the importance of reading requests carefully, to identify exactly what is being asked for. Section 1(1)(a) of FOIA obliges a public authority to do this, and to communicate whether it holds the requested information. Had TVP identified in its initial response that the request was for information that it did not hold, and communicated its reasons for believing this clearly to the complainant, this complaint to the Commissioner might have been avoided.
27. Nevertheless, at internal review TVP did recognise its error and it corrected it by stating that it did not hold the requested information.
28. The Commissioner is satisfied that TVP conducted extensive enquiries in order to respond to his investigation and that it was genuine in its desire to be transparent, both about its handling of this request, and the requested information. He also notes its proactive attempt to liaise with the complainant and its consideration of whether it should start collecting the information, neither of which was prompted by the Commissioner.
29. Having considered all the above, the Commissioner is satisfied that, on the balance of probabilities, TVP does not hold the information specified in the request.

## Right of appeal

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

31. 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.

32. 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 .....**

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**