



REDACTED

Our ref: **01/FOI/23/002479/Q**

Please quote our reference
number when responding

Tuesday, 11 July 2023

REDACTED

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/23/002479/Q

I write in connection with your request for information dated 18/06/2023, I note you seek access to the following information:

Even though police forces in England and Wales do not perform statutory functions in dealing with lost property like their Scottish counterpart (see Part VI of the Civic Government (Scotland) Act 1982 - the Police (Property) Act 1897 does not apply to lost property in England and Wales), they still accept found property from the public in limited circumstances.

1. *Hence, as a freedom of information request, I would like to ask you to provide me with the existing (internal) guidelines or other relevant (internal) records on how Greater Manchester Police deals with found and lost property as well as with the existing procedural rules which have to be observed in this context.*

In particular (but not limiting the request above), the existing guidelines and records regarding the following questions would be helpful for my scientific research:

- a) *in which cases are finders required by law to deliver property to the police force? what is the corresponding legal basis (which primary or secondary legislation, common law etc.?)*
- b) *in which cases are finders allowed to hand in property? what is the corresponding legal basis (which primary or secondary legislation, common law etc.?)*
- c) *what are the legal rights and obligations of the police force with regard to handed-in property that has been handed in? what is the corresponding legal basis (which primary or secondary legislation, common law etc.?)*
- d) *in particular, which arrangements are made for the care and custody of the property?; which steps are taken to ascertain the identity of the owner?; in which cases, under which procedure and on which conditions (for example, payment of reasonable charges and expenses or even a reward to the finder) is the property returned to a person*

claiming to be its owner?; in which cases and at which time is unclaimed property handed back to the finder (on which legal basis and with which legal effects?)?; in which cases, at which time and under which arrangements is unclaimed property being disposed of, including sold (on which legal basis and with which legal effects)?

- e) *what is the legal relationship of the police force towards both the finder and the owner (agency, agency of necessity, bailment, sub-bailment, deposit, trust, special public legal relationship, etc.?)?*

Result of Searches

Following receipt of your request, searches were conducted within Greater Manchester Police to locate information relevant to your request. I can confirm that the information you have requested is held by Greater Manchester Police. However, I am not obliged to supply all of it as exemptions apply.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because this information is exempt) to provide you, the applicant, with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

Question 1 - The exemptions applied are specifically in relation to the redactions made within the attached document and are as follows:

- **Section 40(2) – Personal information**
- **Section 31(1)(a)(b) – Law Enforcement**

Some of the redaction occurs within the attached document relates to **Section 40(2) Personal Information**, this represents information that constitutes as personal data and is therefore exempt from disclosure. Personal data is defined by Article 4 of the GDPR and Part 1 of the Data Protection Act 2018, and means any information relating to an identified or identifiable natural person ('data subject'). An identified natural person is one who can be identified directly or indirectly from that data. To disclose this information would contravene the first of the data protection principles. This states that personal data should be processed lawfully, fairly and in a transparent manner. It is the fairness aspect of this principle which, in our view, would be breached by disclosure. In such circumstances Section 40 confers an absolute exemption on disclosure and therefore there is no requirement for us to conduct a public interest test.

In addition, some of the redaction occurs within the attached document relates to **Section 31(1)(a)(b) – Law Enforcement**.

Section 31 is a prejudice based and qualified exemption; there is a requirement to articulate the harm that would be caused in disclosing such information as well as carrying out a public interest test, which can be seen below.

Section 31 - Harm

By disclosing the redacted information within the guidance, which detail sensitive tactical information, would undeniably cause considerable harm to policing. To disclose any policing tactics of this nature would render these methods less effective, ultimately undermining policing and resulting in new tactics needing to be developed, thus creating extra strain on police resources. Therefore, GMP will not disclose information that would prejudice their ability to prevent or detect criminal activity or to protect the general public.

Section 31 - Factors in favour of disclosure

Disclosure of the redacted information would allow for a better, more accurate public debate and would assist in enhancing the public's general knowledge of the procedure.

Section 31 - Factors against disclosure

To disclose the redacted information would hinder the prevention or detection of crime, the efficient and effective conduct of the force and the potential to seriously undermine the effective law enforcement tactics in how GMP deals with specific crime types, allowing potential offenders to use the information to their advantage. The risks posed to the public, particularly vulnerable children and young adults are significant in respect of their safety and wellbeing. The safety of the public is of a paramount importance to the force and a major part of the policing purpose, therefore GMP will not disclose information which could risk lives or be detrimental to our policing role of enforcing the law and protecting people.

Balancing Test

When balancing the public interest test Greater Manchester police has to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most persuasive reason for disclosing the information would be public awareness, which needs to be weighed against the strongest reason for non-disclosure, which, in this case is the fact that individuals may be placed at risk, as potential offenders may use this information to their advantage in order to adapt the way in which they commit such criminal acts.

In accordance with the Section 17 of the Freedom of Information Act 2000, this letter acts as a Refusal Notice for the redacted information on the guidance.

Please find attached the Lost and Found Procedure and Guidance & Found Property Poster.

Questions a) to e) – I can confirm that the information you have requested is not held by Greater Manchester Police

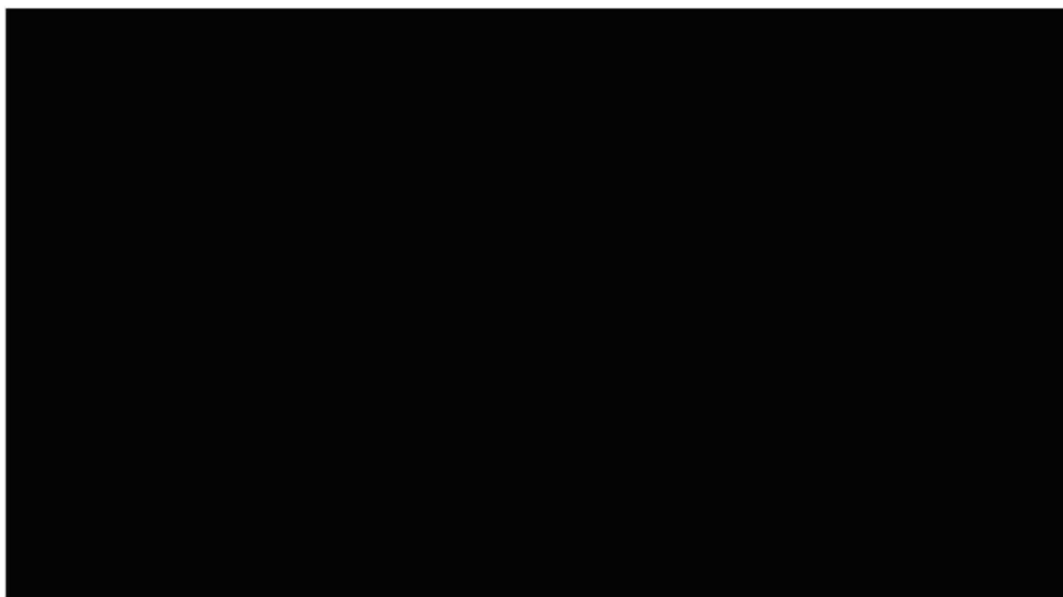
Information is defined in section 84 of the Act as '*information recorded in any form*'. The Act therefore only extends to requests for recorded information. It does not require public authorities to answer questions generally; only if they already hold the answers in recorded form. The Act does not extend to requests for information about policies or their implementation, or the merits or demerits of any proposal or action - unless, of course, the answer to any such request is already held in recorded form.

Lost Property Procedure and Guidance

Lost Property	Item	Remarks
RECORD -Take lost report -Arrange appropriate circulation of item on PNC - Items handed in that may pose an explosive risk should be placed in as safe an area as possible. This area should be cordoned off and consultation with military EOD should then take place through the OCB and the Force Duty Officer.	Firearms /Ammunition/Explosives Poison, Toxics or other dangerous chemicals	If, following contact with the EOD, the device is confirmed as not being live, a note to this effect should be placed on the KIM Property Management System entry, informing the Evidential Property Store that the device has been assessed by the EOD and is deemed safe to accept for storage.
DO NOT RECORD -Advise MOP to retrace their steps and if they wish to make a claim on their insurance then they can do this via RML and obtain a reference number in order to go ahead with their claim.	High Value Items such as Jewellery, Heirlooms, Cash	
DO NOT RECORD -Advise MOP to make enquiries at the location the item was lost. -Inform the MOP that if an item is handed in as found (because it is identifiable) they will be contacted.	Wallets/Purses/Bags	
DO NOT RECORD -Inform MOP to register the loss via RML. -Lost mobile phones can be reported to the network provider.	Mobile Phones, Computer, Cameras, Electronic Equipment or any device with internal memory.	
DO NOT RECORD -Inform MOP to register their loss via RML.	Bicycles	
DO NOT RECORD -Advise MOP to report their loss directly to the Passport Office or DVLA.	UK Passports and Driving Licences (UK and Foreign)	
RECORD -Take lost report	Foreign Passports and ID Cards	
DO NOT RECORD -Advise MOP to report their loss directly with their embassy or high commission.	Foreign Driving Licences	
DO NOT RECORD -Advise MOP to make enquiries at the location the item was lost. Inform MOP that it is unlikely that unidentifiable low value items will be handed in.	Unidentifiable Low Value Items Umbrellas, spectacles, keys, luggage, rucksacks etc.	

Advise MOP that they can report the loss via RML.		
DO NOT RECORD -Advise MOP to retrace steps and to contact their GP/Hospital or contact NHS 111 and seek guidance.	Prescribed Medication and drugs	



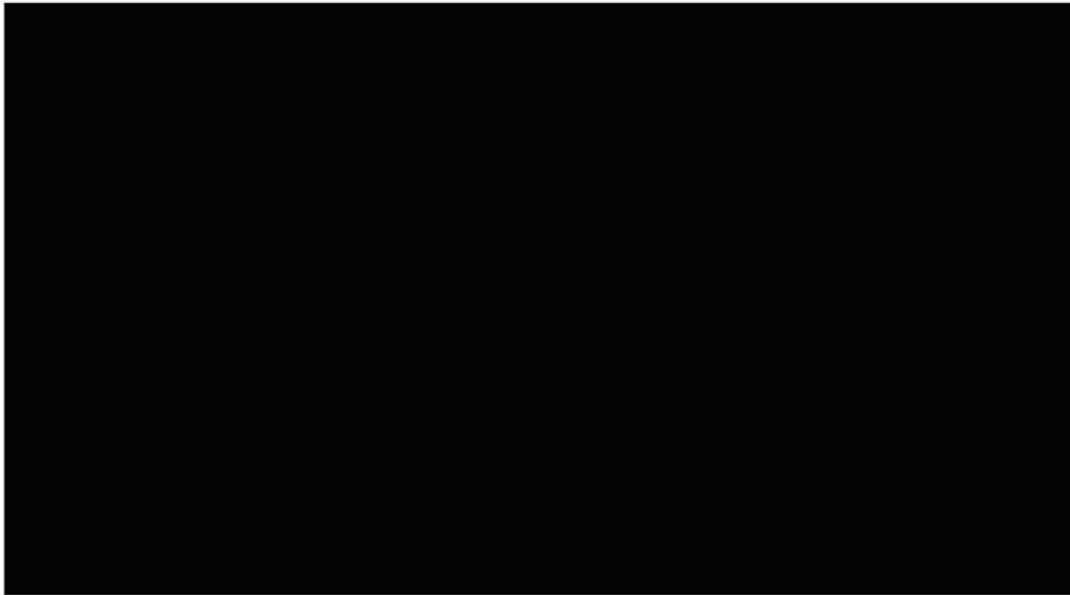


Found Property Procedure and Guidance

Found Property	Item	Remarks
ACCEPTED and RECORDED -Take found report -Check item on PNC if appropriate -Check for any outstanding lost reports -Items handed in that may pose an explosive risk should be placed in as safe an area as possible. This area should be cordoned off and consultation with military EOD should then take place through the OCB and the Force Duty Officer. - Make local police supervision aware so a risk assessment can be done to ascertain if the station should be evacuated.	Firearms /Ammunition/Explosives Poison, Toxics or other dangerous chemicals	
NOT ACCEPTED -Advise MOP to make a reasonable attempt to trace and return the property to the owner. They can do this by leaving details of the find at the place the items were found e.g. supermarket. They should also consider the use of social media/local media platforms to advertise that they have found the item.	High Value Items such as Jewellery	Always check that the found property has not been stolen or used in the commission of crime.
ACCEPTED and RECORDED -Take a found report and complete form 1120 -Leave the cash with the wallet/purse -Make enquiries to find the owner -Provide the MOP (finder) with a found property receipt.	Cash within identifiable wallets/purses	Check [REDACTED] for any crime reports using the identifiable information within the wallet/purse.
ACCEPTED and RECORDED -Take a found report and complete form 1120 -Send the cash to admin for banking -Provide the MOP (finder) with a found property receipt - Advise the MOP to leave details of the find at the place the items were found e.g. supermarket.	Unidentified cash	Check crimes if a large amount of cash is found and handed in. Advise MOP that if they would like to claim the cash, they should make enquiries with GMP after the 28 day retention period and provide them with the best way to do this e.g. in person/by telephone. If no owner has been located after the retention period they may claim the cash and it will be transferred to them by BACs transfer.
NOT ACCEPTED -Advise MOP to make a reasonable attempt to trace and return the property to the owner. They can do this by leaving details of the find at the place the items were found e.g. supermarket. They should also consider the use of social media/local media platforms to advertise that	Empty wallets/purses/bags	Always check that the found property has not been stolen or used in the commission of crime.

they have found the item.		
ACCEPT and PROCESSED IMMEDIATELY -Make enquiries to find the owner -Provide the MOP (finder) with a found property receipt, if they would like one.	Personal documentation e.g. bank statements	
ACCEPT and PROCESSED IMMEDIATELY -Make enquiries to find the owner -Provide the MOP (finder) with a found property receipt, if they would like one.	Birth, marriage and death certificates	
ACCEPTED and RECORDED -Make enquiries to find the owner -Provide the MOP (finder) with a found property receipt, if they would like one.	Mobile Phones, Computer, Cameras, Electronic Equipment or any device with internal memory and/or storing personal data	Advise MOP that they cannot claim an item after 28 days that may contain personal data due to data protection legislation. GMP will dispose of the item in a safe manner if no owner is identified.
NOT ACCEPTED -Advise MOP to make a reasonable attempt to trace and return the property to the owner. They can do this by leaving details of the find at the place the items were found e.g. supermarket. They should also consider the use of social media/local media platforms to advertise that they have found the item.	Bicycles	Always check that the found property has not been stolen or used in the commission of crime.
ACCEPTED and PROCESSED IMMEDIATELY -Process directly to the appropriate agency e.g. Passport Office, DVLA or Embassy (there is no requirement for the items to be booked in on KIM)	UK and Foreign Passports, Driving Licences and ID Cards	If a report of found property is taken by telephone then the MOP can requested to send the item directly to the appropriate passport authority/embassy themselves. Alternatively the MOP should be advised to drop the item in at an enquiry counter so staff can send it back to the issuing authority. For UK passports, the guidance remains that if the passport has fallen outside of the possession of the holder, then it must be returned to the UK Passport Office. The only exception to this remains that if it was left with a trusted organisation during a process where it was required, such as a Post Office, Bank or Police Station. The circumstances of the find should always be taken into account. It may be that it is not appropriate to post it to an Embassy if it was found in a place likely to be used for imminent travel.

NOT ACCEPTED -Advise MOP to make a reasonable attempt to trace and return the property to the owner. They can do this by leaving details of the find at the place the items were found e.g. supermarket. They should also consider the use of social media/local media platforms to advertise that they have found the item.	Unidentifiable Low Value Items Umbrellas, spectacles, keys, luggage, rucksacks etc.	Always check that the found property has not been stolen or used in the commission of crime.
ACCEPTED and RECORDED	Prescribed Medication and drugs	Medication can be taken to a pharmacy for disposal. However, if a MOP contacts to report found medication or drugs staff should err on the side of caution and accept it: a) To prevent the risk of it getting into the wrong hands b) In case it turns out to be a controlled substance Labels on medication may also contain personal information.
ACCEPTED and PROCESSED IMMEDIATELY -Conduct PNC/OPUS checks to see if VRM plates have been used in crime. If they have then book them in on KIM. If the VRM plates are considered to be of evidential use, update the crime with the details and add exhibit labels to the plates.	Vehicle Number Plates	
NOT ACCEPTED -Advise MOP to dispose of items themselves. If large items they should contact the local authority who will arrange disposal.	Perishable goods Rubbish/waste	
NOT ACCEPTED	Animals	Staff can refer MOP to their local animal warden service. There should be a consideration of cases where immediate veterinary care may be required.



GUIDE TO FOUND PROPERTY

Unless you suspect an item of being of evidential value or could be used to support the commission of offences or it would be unlawful or unwise to retain, we no longer accept the following found property:



Bicycles



Empty handbags,
wallets or purses



Cases



Clothes



Perishable goods



Animals



Rubbish/waste



Umbrellas



Keys



Spectacles



Watches
(except if capable
of containing
personal data)



Jewellery