

Our ref: 01/FOI/24/012183/D

Please quote our reference
number when responding

Wednesday, 13 March 2024

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/24/012183/D

I write in connection with your request for information dated 20/02/2024, I note you seek access to the following information:

1. *How many cases involving allegedly discriminatory or offensive whatsapp messages your PSD dealt with in 2021, 2022 and 2023?*
2. *Can you provide a breakdown of whether these were dealt with by a misconduct meeting or misconduct hearing, and the associated outcomes (e.g. no further action, reflective practice, written warning)?*
3. *If possible, can you provide a list of case references so that I may make specific enquiries about some cases if necessary?*
4. *Do you have any specific guidance about how Sikh turbans should be treated during*
 - a. *a police stop/ search and*
 - b. *searches in police custody?*

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 some of the information you have requested is held by Greater Manchester Police.

Parts 1 & 2

I have provided the data for closed and finalised cases only as any data for proceeding & ongoing investigation is exempt by the virtue of the following exemption:

- **Section 30(1)(2)(a) – Investigations and Proceedings Conducted by Public Authorities**

Section 30 is a class based qualified exemption; there is a requirement to carry out a public interest test, which can be found below.

Public Interest Test

Factors Favouring Disclosure on Section 30

To disclose the exempt information, into the public domain, would show GMP's accountability, and satisfy the public, that investigations into such incidents are being conducted correctly. It would also show GMP's use of public funds investigating incidents of this nature.

Factors Favouring Non-Disclosure on Section 30

Conversely to the factors in favour of disclosure, to publicly release the data that is from an investigation that remains open may seriously undermine GMP's ability to complete the investigation to a full and correct conclusion.

Balancing Test

When balancing the public interest 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 openness. This needs to be weighed against the strongest reason for non-disclosure which may seriously undermine GMP's ability to complete the investigations to full and correct conclusions.

Having considered all the factors for and against disclosure it is my belief that in this case, the reason against disclosure outweighs the reason for disclosure and so the decision at this time to maintain the above exemption and withhold the information from disclosure.

Please see the remainder of the requested information below.

Caveat

The data included Professional Standards Directorate cases with messages that contained either discriminatory or offensive comments/opinions rather than if whatsapp has been used during harassment etc. It means that the data may or may not relate to Whatsapp.

Year	Outcome
2021	Dismissed

2022	No Action
2022	No Action
2023	Dismissed
2023	No Action
2023	Learning from Reflection

Part 3

The information has been exempted from disclosure under **Section 40(2) Personal Information** – this information constitutes personal data of an identifiable living individual, and to disclose this information would breach the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Personal data is defined by Section 1 of the Data Protection Act 1998 and means data that relates to an individual who can be identified directly or indirectly from that data.

Part 4

- a) No information held. We follow the National guidance [here](#).
- b) No information held. Same as a), National guidance [here](#).