

**FOI Report Police sharing Information with the DWP**  
**By Milena Zenati-Parsons LLB(Hons)**  
**and**  
**David Zenati-Parsons LLB(Hons)**  
**Legal Researchers for Disability Labour**

On 14 February 2019, [Disability News Service](#) journalist John Pring reported that

“Tory conference police force admits sharing information on protesters with DWP”

**Disabled activists have demanded an inquiry after a police force that has patrolled four Conservative party conferences since 2010 admitted sharing information about protesters with the Department for Work and Pensions (DWP).**

Greater Manchester Police (GMP) has now become the second police force to admit sharing information about people taking part in protests with DWP, following a similar admission by Lancashire police. But GMP has also admitted having a “sharing agreement” with DWP, even though the department explicitly stated two months ago that it had no such arrangements with any police force.

The admissions have followed claims reported by Disability News Service (DNS) that police forces have been targeting disabled protesters taking part in peaceful anti-fracking protests across England.

Lancashire police then [admitted in December](#) that it had shared both information and video footage of disabled anti-fracking protesters with DWP, in an apparent attempt to have their disability benefits removed. [Last month](#), DWP refused to say – in response to a DNS freedom of information request – which police forces had passed it information about claimants of disability benefits who have taken part in anti-fracking and anti-austerity protests.

But Greater Manchester Police has now told DNS that it passed DWP information – but not video footage – about protesters taking part in the anti-fracking protests at Barton Moss, Salford.

Those protests took place in 2013 and 2014, but the force also confirmed that it has shared information with DWP from protests not connected with fracking.

This raises concerns that it has passed information to DWP about disabled people who protested in Manchester about the government's austerity-related social security reforms, particularly high-profile actions [in 2015](#) and 2017.

[In 2017](#), disabled activists from the Disabled People's Direct Action Network (DAN) and [Disabled People Against Cuts \(DPAC\)](#) criticised "heavy-handed" police tactics at a direct action protest that blocked tram lines outside the conference.

The Tory party is due to return to Manchester in September for this year's annual party conference.

Andy Greene, a member of DPAC's national steering group, said: "Using the cover of suspected benefit fraud as a shroud for the targeting of disabled activists is outrageous.

"These are public services and should be deploying every resource they have to support disabled people to be active and engaged citizens. "Yet, what we see is the use of those resources deployed against disabled people as if we are enemies of the state.

"Violence, the weaponisation of hunger, the '[grave and systemic violations](#) of disabled people's human rights' – this is what we are experiencing at the hands of the police, the DWP and other public services every day."

He added: "There needs to be an inquiry into what's gone on; and where wrong has been done, people have to be held to account.

"Who made the decisions within these services to share this information, when, how were these decisions justified?

"Disabled people need to be shown – not words – that they are safe to take part in protests, demonstrations, campaigning and activism without the threat of police violence or having their benefits and services taken away.

"The policing of disabled people by the very services designed to empower and enable us is a dangerous road to go down."

Dennis Queen, who lives in Manchester and was arrested at the 2017 protest for public disorder but was later found not guilty, also backed calls for an inquiry.

She said she did not understand how the police could lawfully know who was claiming disability benefits.

She said: "In the same vein I don't understand what business it is of the DWP if a person decides to attend a protest.

"As far as I am aware there are no questions in benefit claims about attending protests. "There is no rule that claimants may not attend protests for us to be breaking. If there is then we ought to have a right to know about it.

"I can only assume this is being done to cause a chilling effect and make disabled people afraid to protest. As such, it's an informal ban on protesting against disabled people."

Three other police forces that have been involved in policing anti-fracking protests over the last six years – Sussex, Surrey and North Yorkshire – have told DNS that they have not passed on information about protesters to DWP.

A Greater Manchester Police spokesperson said in a statement: "As part of a sharing agreement, information about protestors has been passed to DWP but only in the event where concerns have been raised.

"During the course of our duties, whether this is at protests or not, if any concerns are identified, we are duty-bound to pass these onto the relevant partner agencies in any policing operation.

"No-one is deterred from taking part in protests or exercising their right to free speech.

"As with any operation, a strategy is put in place in order for us to facilitate peaceful protests with as little disruption to the local area as possible.

"The sharing of information is a useful tool for both us and our partners, helping us to build greater intelligence pictures, identify areas of concerns and work better with the communities we serve."

A force spokesperson later added: "Information was passed to DWP in relation to the Barton Moss protests."

She said that the raising of concerns that lead to information being passed to DWP are those "identified from intelligence gathering before all protests, reports made by the public and information passed on by police officers on the ground".

The spokesperson also confirmed that information had been passed to DWP about both anti-fracking and non-fracking-related protests. It is not yet clear which other protests have led to information being passed to DWP by Greater Manchester Police.

A DWP spokesperson said: "There is no formal arrangement in place between DWP and any police force for this or other similar scenarios." She had not said by noon today (Thursday) whether this meant her department was accusing Greater Manchester Police of lying about its "sharing agreement" with DWP.

She refused to say if the minister for disabled people accepted that this exchange of information with GMP risked creating a more hostile environment for disabled people who receive benefits.

She also refused to say if Newton accepted that there would be grave concerns over the possible sharing of information with DWP by GMP from anti-austerity protests that were critical of DWP and its policies at Tory party conferences in Manchester.

This concerning turn of events motivated Disability Labour to request a Freedom of Information Request from each of the Police Forces in England and Wales to establish if this was a policy of the individual forces. The FOI was worded thus:

### **Disabled People taking part in Protests**

Under the terms of the Freedom of Information Act could you please:

- a. Provide a copy of any policy, instructions, advice or standing orders relating to the supply of information to the Department of Work and Pensions relating to disabled people taking part in protests;
- b. In the event that you have referred any such information to the Department of Work and Pensions, state how many individuals this

related to, and over what period of time you have been collecting such information; and

- c. In the event that you rely upon any exemptions in relation to (a) or (b) state whether such documentation exists.

The Forces contacted were as follows, as you will see, the majority have simply responded with No Information Held, however some gave a fuller explanation of the process and explained why Information was not being held and these fuller responses have been included. Several Police Forces are yet to respond they are highlighted in Red, a follow up email has been sent.

Avon and Somerset Constabulary Ref FOI 105/19 Mrs Michelle Radcliffe  
No Info held

Bedfordshire Police Ref FOI 2019/00462 Gary Maxey No Info held

Cambridgeshire and Peterborough Constabulary Ref FOI 2019/00495  
Geneen Bill No Info Held

Cheshire Constabulary Ref Sarah Davies Info Officer No Info held

City of London Police back log check ico.org to complain

Cleveland Police Ref 10514-19 Ms E McGuigan No Info you need to cite an individual

Dear Mr Zenati-Parsons,

Enquiry Ref: 10514/2019

I write in connection with your request for information dated 21st January 2019 and received by this office on 22nd January 2019. Please accept our apologies for the late response. Below are the questions raised in your request and our response?

Disabled People taking part in Protests

Under the terms of the Freedom of Information Act could you please:

- a. Provide a copy of any policy, instructions, advice or standing orders relating to the supply of information to the Department of Work and Pensions relating to disabled people taking part in protests;

a) Cleveland Police do not have any policies or guidance on this matter so our response must be no information held.

b. In the event that you have referred any such information to the Department of Work and Pensions, state how many individuals this related to, and over what period of time you have been collecting such information;

a) We have made enquiries within the force and have been advised that the records held relate to Cleveland Police asking the Department of Work and Pensions for information. There is no easy way to search for any of the information requested; it is thought that if it were to be recorded it would be under a person's name and that information would need to be provided for searches to be carried out so our response on this occasion is no information held.

The Cleveland Police response to your request is unique and it should be noted that Police Forces do not use generic systems or identical procedures to capture and record data therefore responses from Cleveland Police should not be used as a comparison with any other force response you receive.

If you are not satisfied with this response or any actions taken in dealing with your request you have the right to request an independent internal review of your case under our review procedure. The APP College of Policing guidance states that a request for internal review should be made within 20 working days of the date on this response or 40 working days if extenuating circumstances to account for the delay can be evidenced.

If we can be of any further assistance please do not hesitate to contact this office on 01642 306825 or 01642 306832.

Yours sincerely

**Ms E McGuigan**  
**Freedom of Information Decision Maker**  
**Directorate of Standards and Ethics**

Cumbria Constabulary  
Police Commissioner: Mr Peter McCall ©  
[commissioner@cumbria-pcc.gov.uk](mailto:commissioner@cumbria-pcc.gov.uk)  
Chief Constable: Michelle Skeer  
[freedomofinformation@cumbria.police.uk](mailto:freedomofinformation@cumbria.police.uk)

Derbyshire Constabulary Ref FOI 413/19 Kevin Lea No Info held

Devon & Cornwall Police Ref: 0342/19 Steve Hawkins No Info held

Dorset Police R2019-99 Chris Fitzgerald No Info held

Durham Constabulary Ref DC/95/19 Stephen Teasdale

There is no central register of occasions when officers / departments have passed information to the Department for Work and Pensions. Information could be passed to the DWP in various ways but this is not recorded in a retrievable format. Have asked for clarification

Essex Police Ref 12664

Having completed enquiries within Essex Police, we can respond as follows:

In respect of Sec1(1)(a) Essex Police does not hold the information specified in your request.

Therefore, and in accordance with section 17(1) of the Act, this communication must act as a refusal notice to provide all of the information that could be interpreted as being captured by your request.

To provide some explanation, and to meet our duty to assist under Section 16 of the FOI, Essex Police can advise: No specific policy/procedure/orders exists around this issue. If people are protesting peacefully it would not be a matter for police given this is a lawful activity.

In the event of criminality taking place at a protest the force would record all offences and suspect details including if a person has a disability as part of the self-defined data required by the Home Office (which the force does for everyone who is arrested along with other characteristics such as age, gender, ethnicity and religion for example).

Gloucestershire Constabulary Ref 2019.0100 No Policy No Info held

Greater Manchester Police Ref GSA 0212/19 Samantha Markhan No Info held

Hampshire Constabulary Ref FOI317 Kim Salter No Info held

Hertfordshire Constabulary Ref FOI 2019/00497 James Hodson No Info

**Humberside Police**  
**Police Commissioner: Mr Keith Hunter (L)**  
**[pcc@humberside.pnn.police.uk](mailto:pcc@humberside.pnn.police.uk)**  
**Chief Constable: Lee Freeman online**

Kent Police Ref: FOI 19/01/121 Mrs Scott PCC No Info held

Lancashire Constabulary Ref DPO/FOI/000276/19

Your request has now been considered the Constabulary's response is provided below:

Lancashire Constabulary would consider requests for information from the Department for Work and Pensions (DWP) or any other relevant organisation that has investigatory powers. However, if a police officer/member of police staff responded to a specific request for information this may be recorded in a number of different ways such as on an incident log, on a crime report or recorded in an officer's notes, which may be in electronic or paper format.

There is no central database for recording the number of occasions the Constabulary may have received and responded to a request for information and due to this there is no way to extract data solely pertinent to your request. There are several hundred thousand incident logs alone created every year and each one would need to be manually assessed to determine if it met your criteria and any request had been made by the DWP. This is also the case in respect of every crime report and each officer's notes. Enquiries would need to be made with numerous different departments to determine whether information is held, extract this information then review it for disclosure. This will add considerably to the timescales involved.

Leicestershire Police Ref 253/19 Linda Dempsey No Info held



Lincolnshire Police Ref 000310/19 Jenny Creasey No Info held

Merseyside Police Ref FDOI DJ 2019-0118 D Jackson No Info

Merseyside Police would only share information if there was a legitimate reason for processing the personal data.

The legitimate reason could be that there is evidence of an offence which falls within the operational scope of the DWP to investigate or deal with or it could be in response to a lawful application from the DWP for the disclosure of information, where the DWP identify the legal gateway for disclosure.

Every case of disclosure requires a case by case consideration.

The above information is provided under the provisions of section 16 of the Act, the duty to provide advice and assistance.

I trust the above is of assistance to you.

D. Jackson

Disclosure Analyst (9848)

Metropolitan Police Service Ref: 01/FOI/19/000875 Paul Mayger No Info held

**Norfolk Constabulary**

Police Commissioner: Mr Lorne Green © [opccn@norfolk.pnn.police.uk](mailto:opccn@norfolk.pnn.police.uk)

Chief Constable: Simon Bailey [freedom@Norfolk.pnn.police.uk](mailto:freedom@Norfolk.pnn.police.uk)

North Yorkshire Police Ref NY3712 Alex No Info held

Northamptonshire Police Ref 18012019-1 Emily Evans No Info held

**Northumbria Police**

Police Commissioner: Dame Vera Baird QC (I)

[enquiries@northumbria-pcc.gov.uk](mailto:enquiries@northumbria-pcc.gov.uk)

Chief Constable: Winton Keenen

Nottinghamshire Police Ref 550/19 No Information Held

South Yorkshire Police Ref 20190170 Lucy Moore No Info held

Staffordshire Police FOI Request ref:10428

I can confirm Staffordshire Police does not hold

In relation to the nature of your request, please take this as notice of refusal to provide the data under Section 17(1) of the Freedom of Information Act on the grounds that in order to establish that the data requested can be retrieved would exceed the time and cost threshold as per Section 12 (1) of the Freedom of Information Act 2000. Section 12 (1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

With regard to question (b) this information is not held in an easily retrievable format. To establish if any information has been provided to the Department of Work and Pensions (DWP) it would entail searching all individual crime files. All files would need to be searched to find out if the person involved had taken part in a protest, they were disabled and there was a reason to inform DWP.

As we do not hold any policy, advice, instructions or standing orders relating to this request we would have to search our current crime recording system which holds records since 2008 to establish if we hold any information for question (b). This would involve searching thousands of records which would exceed time and cost limits permitted within the act.

Suffolk Constabulary Ref: FOI Request 000313/19 Claire Pack No Info held

Surrey Police Ref FOI-365-19-4500-000  
Police Commissioner: Mr David Munro ©  
[SurreyPCC@surrey.pnn.police.uk](mailto:SurreyPCC@surrey.pnn.police.uk)  
Chief Constable: Nick Ephgrave website application

Sussex Police Ref 104.19 Roger Brace No Info held

Thames Valley Police Ref Ha/PA/000264/19 Savenna Mahay No Info held

Warwickshire Police Ref 11062 Sabina Harris No Info Held sent to

Home Office no details held

West Mercia Police Ref 11063 Sabina Harris No Info Held sent to Home Office no details held

West Midlands Police Ref 2151/19 Susan Brown No Info held

West Yorkshire Police Ref: FOI 477/19 Gemma Burton No Info held

Wiltshire Police FOI Ref: 2019/088 Simon Watson No Info held

## **Wales**

Dyfed-Powys Police Ref 078/2019 Melody Lewis No Info held

Gwent Police Ref 2019/21803 Lauren

In terms of disabled people taking part in Protests, Level 2 trained officers (who would be the most likely to attend said protests) are given inputs on a person's human rights including Article 11 and Article 14 plus an input on the Equality Act 2010. They also practice on how to deal with vulnerable (if indeed a person's disability would class them as such) persons during a protest but this is aimed towards making sure their rights are adhered to as far as practicable.

However, in terms of referring people to the DWP as a result of participating in a protest there is no known directive relating to this in terms of Public Order policing.

We do have multi agency protocols for big events but again, a DWP mentioned reference public order has not been seen.

We have gone through the Authorised Professional Practice documents and can find no specific references.

These are not figures we would collate (there is potential for the DWP to do reference referrals) and if a police officer did make a referral to the DWP based on evidence gathered during a protest it would be his/her individual decision as part of their general duties rather than a specific direction included in an operational order.

North Wales Police Ref: 2019/100 No Info held

South Wales Police Julia No Info held

## Summary

Where a Police Force responds No Info held, it is a general response to the FOI which asks:

a. Provide a copy of any policy, instructions, advice or standing orders relating to the supply of information to the Department of Work and Pensions relating to disabled people taking part in protests;

It can be assumed therefore that Police Forces do not have any policies or guidance on this matter and as a result their response must be no information held.

Part b of the FOI states:

b. In the event that you have referred any such information to the Department of Work and Pensions, state how many individuals this related to, and over what period of time you have been collecting such information;

It has become clear that there is no central register of occasions where officers or departments have passed information to the Department for Work and Pensions. It is also clear that information can be passed to the DWP or requested by the DWP in various ways but this is not recorded in a retrievable format thus there is no easy way to search for any of the information requested unless specific information pertaining to the individual or circumstance was provided. If this information is not available then a response of no information held is given.

It has been reiterated by some forces that if people are protesting peacefully it would not be a matter for police given this is a lawful activity, however if criminality had taken place at a protest, the force would record all offences and suspect details including if a person has a disability as part of the self-defined data required by the Home Office as standard procedure. Forces do this for everyone who is arrested and include other characteristics such as age, gender, ethnicity and religion for example. It has also been stated that Forces would only share information if there was a legitimate reason for processing the personal data.

The legitimate reason could be that there is evidence of an offence which falls within the operational scope of the DWP to investigate or deal with or it could be in response to a lawful application from the DWP for the disclosure of information, where the DWP identify the legal gateway for disclosure. Every case of disclosure requires a case by case consideration.

Pertaining to part c of the request, as all forces who to date have responded No Info held then this request is moot.

#### Comment

All information collated by every police force's in England and Wales after an arrest is made, is forwarded to the Home Office. Whether there are guidelines pertaining to Disabled People and the sharing of this information to the DWP is unknown at this time.

M & D Zenati-Parsons  
March 2019