

# Tyne and Wear Fire and Rescue Service

*Creating the Safest Community*

[www.twfire.gov.uk](http://www.twfire.gov.uk)

Chief Fire Officer Tom Capeling



**Freedom of Information Request Response Ref Number: KS/ 15 03 16 1**  
**Date of Response: 24th June 2016**

## **Request:**

There are an increasing number of criminal gas explosion attacks on ATM machines in the UK. Please advise Authority policy & plans for protection of the public.

## **Response:**

In accordance with the Freedom of Information Act 2000, this letter represents a Refusal Notice for this particular request under Section 17 (1).

Tyne and Wear Fire and Rescue Authority is exempting the information by virtue of the following exemptions:

Section 31(1)(a) – Law Enforcement  
Section 38 – Health and Safety

### **Section 31(1)(a) – Law Enforcement**

The Freedom of Information Act 2000 also contains a law enforcement exemption (S31(1)(a)) which cover all aspects of the prevention and detection of crime. The exemptions also covers information held by public authorities without any specific law enforcement responsibilities.

By disclosing the policy and plans relating to the criminal gas explosions on ATM Machines will increase the risk and make the Authority more vulnerable to crime. It could also have detrimental effect on the police's ability to effectively enforce the law as it contains intelligence, techniques and other information relating to the crime. Disclosing this information could be misused by those with malicious intent with a view to commit crime.

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### **Section 38 – Health and Safety**

The Freedom of Information Act 2000 also contains a health and safety exemption (S.38) which states that information is exempt information if its disclosure under this Act would, or would be likely to;

- (a) endanger the physical or mental health of any individual, or,
- (b) endanger the safety of any individual.

By disclosing the policy and plans relating to gas explosions it will increase the risk of disruption rendering predetermined response arrangements unusable and therefore compromise the health and safety of staff members in the course of carrying out their duties. Disclosure of this information may also increase the risks faced by staff members as potential targets of criminal activity. This would endanger the physical and mental health of our crew and, accordingly, the health and safety exemption (s.38) applies to this information.

### **Law Enforcement and Health and Safety – Public Interest Test**

In applying sections 31 (Law Enforcement) and 38 (Health and Safety) we must further consider the “ public interest” test; this is to consider whether the public interest in withholding the information outweighs the public interest in disclosing it.

I have set out my public interest considerations as follows:

By disclosing the information requested within this request we would be mapping out our resources, intelligence, capability and plans. This information could be used in conjunction with other data held by a criminal, alter their behaviour to avoid detection and potentially reduce our capability to respond. Providing this information could increase the risks faced by the crews and the members of the public.

The public interest is primarily in knowing that TWFRS have emergency plans for such incidents. It could be argued that disclosing the emergency plans may reassure the public regarding TWFRS’s ability to respond to major incidents in specific areas.

On balance, I believe that the public interest in withholding this information outweighs the public interest in disclosing it and in accordance with the Freedom of Information Act 2000, this letter acts as a Public Interest Refusal Notice in relation to that information.’

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