



In the matter of the British Transport Police (Conduct) Regulations 2020;

APPROPRIATE AUTHORITY FOR
THE BRITISH TRANSPORT POLICE

V

PC Henry Regan [6472]

[CASE REF CM/207/25]

Regulation 63 Outcome Report

Location: 7th Floor, Buckingham Palace Road, London

Date: Monday 27th April 2026

Chair: Chief Constable Lucy D'Orsi

Outcome: Not Misconduct

Sanction: No Further Action

Introduction

Attendees

The AA was represented by Joanne Kane (SI)

PC Regan attended.

PC Regan] was represented by Heather Oliver.

They were also joined by their Police Friend Tom Jepson.

Also attending were: Lauren Hulett (AA) Zoe Sands (Proceedings Officer), Almos Beer (Proceedings Officer) Mullai Marimuthu (Proceedings Officer).

Prior Decisions

Prior to the hearing I was not required to determine preliminary matters.

Officer Name:	PC 6472 Henry Regan
Date of Hearing:	27 th April 2026
Place of Hearing:	British Transport Police Force HQ
Alleged Standards Breached:	Integrity Orders and Instructions Confidentiality Discreditable Conduct

[Accelerated Misconduct Hearing Finding and Outcome](#)

1. The allegation against PC 6472 Henry Regan ('the Officer') was that:

"Between 26 July 2024 and 3 March 2025, [the Officer] accessed Niche records and documents relating to an individual linked to a misconduct case against [him], without a legitimate policing purpose."
2. It was alleged by the Appropriate Authority ('the AA') that this conduct breached the Standards of Professional Behaviour, in respect of Honesty and Integrity (Integrity only), Orders and Instructions, Confidentiality, and Discreditable Conduct, in a way that is so serious as to justify dismissal. It was therefore alleged that this conduct amounted to Gross Misconduct.
3. The Officer admitted the fact of the data processing as alleged, except that it was not for a legitimate policing purpose. He denied that his conduct amounted to Gross Misconduct.
4. Having carefully considered all of the relevant documents provided to me, and all representations made to me in writing and at the hearing, in accordance with Regulation 61(15) of The British Transport Police (Conduct) Regulations 2020, I reviewed the facts of the case and decided that the conduct of the Officer did not amount to Gross Misconduct and dismissed the case.
5. At the conclusion of the hearing, I provided the AA and the Officer with a verbal summary of this decision. I now place my decision in writing.

Facts

6. It is not in dispute that the alleged data processing was carried out. It is not in dispute that the Officer processed the data in question for the purposes of assisting the investigation into his conduct that culminated in a misconduct meeting. He accessed NICHE to obtain an intelligence log: [REDACTED] to support and defend himself against an allegation of misconduct.
7. The first question for me was whether the AA has satisfied me, on the balance of probabilities, that the Officer did not process this information for a legitimate policing purpose.
8. On the evidence, the policy and the training do not include an express prohibition on using information on NICHE to build a case to defend oneself within police misconduct proceedings. Nonetheless, I accept the AA's submission that not every iteration of potential behaviour can be foreseen and not every single example of how policy may be breached can be set out in policy documents or in training.
9. I find that the information was not processed for a legitimate policing purpose. The Officer processed the information for personal benefit – to gather evidence to build his case in misconduct proceedings. However, it should be made clear in training that this use of police systems is not acceptable. This sort of data processing does not show sufficient respect to the confidentiality of the data of members of the public. Police systems do not hold the data of members of the public so that individual police officers, accused of misconduct, can scrutinise the data to build a case for their personal gain. Under no circumstances should anyone access or use police information for personal benefit.

10. The Officer's case was that, even if the purpose for which he processed the information was not a legitimate policing purpose, he held an honest and reasonable belief that he was processing the information for a legitimate policing purpose.
11. In the Officer's case, significant emphasis is laid on his youth in age (25), and in service, as explaining his mistake. I am not persuaded that his age or service level is pertinent. He has said that he had never been through misconduct proceedings before; but most officers have not gone through misconduct proceedings, regardless of age or service level.
12. The Officer states that he was never informed in his training, in writing, or through any other advice specifically that he was not allowed to use the NICHE system for this purpose. There having been no evidence to the contrary, I accepted that he was not so informed.
13. On the evidence, after the first time he processed this information, there were opportunities for others within BTP to tell him that this sort of data processing was not allowed and he should not use police systems in that way. I accepted that he was not corrected in this way. Indeed, in his misconduct interview, PSD appear to have requested him to provide further such information (for example, at 00 11 39 in the record of the Officer's interview).
14. I asked myself whether his mistaken belief was honest and reasonable from the outset, from the first time that he processed this information.
15. Having listened carefully to his evidence, I found his approach to have been naïve, troubling and somewhat arrogant. I wish to make clear that my firm view is that he should have channelled his requests for searches of police

systems through the independent PSD investigator – or sought permission before accessing personal data for his own gain.

16. Nevertheless, having heard his live evidence, I accepted that his mistaken belief was honest. I am satisfied that, although his belief was misplaced, PC Regan genuinely believed that he was acting entirely properly in seeking evidence to support the misconduct investigation.

17. I was supported in this view by the wording of the Regulation 17 and Regulation 30 and 31 Notices that were helpfully drawn to my attention at the hearing. It was clear from those notices that PC Regan could and indeed should provide the investigator with any documents that he wished them to consider, placing some onus on the Officer to further his own investigation. It is also true that those notices do not provide any guidance about making disclosure requests or asking PSD to obtain documents that would form part of a reasonable line of inquiry for the defence case. I accepted that, as he did not have legal advice for his misconduct meeting, he did not know that he could ask PSD for material.

18. It is also clear that, consistently the Officer honestly, but mistakenly, believed that his data processing was entirely for legitimate purpose, he was transparent about his actions with PSD and he made no attempt to cover up improper accessing of data.

19. I then considered what he did with the information: he provided it solely to two individuals directly involved in his misconduct process, both within BTP, both of whom had at least the same level of vetting and confidentiality requirement as was on him. No-one within BTP corrected his error. The information did not leave the policing realm and was not used for any other purpose.

20. Bearing all of these points in mind, I was satisfied that the Officer's error was both honest and reasonable in these circumstances.

21. The College of Policing's *Guidance on Outcomes* notes at paragraph 4.39 that errors can occur and that officers who have acted in good faith are less culpable and may properly be addressed through other procedures. I accepted the Officer's Counsel's submission that this principle should apply here to PC Regan's error of understanding. I found that PC Regan acted in good faith and that his culpability is reduced accordingly.

The Standards of Professional Behaviour

22. Given my findings that PC Regan's mistake was an honest and reasonable one, made in good faith, I did not find that the Standard of Integrity had been breached. Although PC Regan did not do the right thing here, I did not find that he intentionally abused his position as a police officer to process data that he knew he was not entitled to process.

23. Turning to a breach of Orders and Instructions, I found this to be quite finely balanced. It is true that he was not carrying out a lawful order or instruction; it is also true that PC Regan's actions were, I found, contrary to policy or regulations. However, in my final analysis, I considered that, there was no sufficiently clear order, instruction or guidance covering the particular facts of this matter that PC Regan failed to follow. I therefore did not find a breach of the Standard of Orders and Instructions.

24. I did find a breach of the Standard of Confidentiality. Although PC Regan did not deliberately fail to treat information with respect, I found that he failed to access or disclose information only in the proper course of police duties.

25. As to Discreditable Conduct: I have carefully considered whether PC Regan's actions discredit the police service or undermine confidence in it. Members of the public rightly expect police officers to use confidential information lawfully, ethically, and only for proper policing purposes – and not for the purposes used in this case. I found PC Regan's misunderstanding here to be a significant one. However, I asked myself what a reasonable and informed member of the public would make of this matter, when presented with all the facts. I took the view that a reasonable member of the public would think that PC Regan was accessing information that he himself put into police systems, reasonably complying with his understanding of a need to provide evidence to a police misconduct investigation into himself, later acting consistently with a PSD request for information, not being corrected despite others having the opportunity to do so, and with the information in question never leaving the police force and only being shared with people subject to at least the same level of vetting and confidentiality requirement as him. On balance, I did not find a breach of the Discreditable Conduct Standard that would come close to the level of Gross Misconduct.

Decision on Gross Misconduct

26. Stepping back and considering the totality of the position, for all the reasons I have given, I am was not satisfied that the cumulative effect of the breaches amounted to Gross Misconduct.

Consequential

27. Applying paragraph 4.39 of the *Guidance on Outcomes* as I did, it follows that the circumstances of this case were most appropriately addressed through avenues outside a Part 4 Misconduct process. Having taken that view, in

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accordance with Regulation 62(6), I dismissed this case.

Lucy D'Orsi
Chief Constable
British Transport Police

30 April 2026

Appeal Notice

You have a right of appeal to the Appropriate Authority, but may only appeal on the following grounds:

- The finding or disciplinary sanction imposed was unreasonable;
- There is critical new evidence that could not have reasonably have been considered at the misconduct hearing; or
- There was a serious breach of the procedures set out in the British Transport Police (Conduct) Regulations 2020 or other unfairness which could have materially affected the finding or decision on disciplinary action.

You have 10 working days to appeal once you have received the Outcome Report. If you wish to appeal, you must do so in writing to the British Transport Police Authority at btpa-enquiries@btp.police.uk.

You should state your grounds of appeal, whether you require a transcript of the hearing in whole or part, and whether or not you consent to the appeal being determined without a hearing.
