



Freedom of Information Request Reference N^o: FOI 002256-18

I write in connection with your request for information received by Norfolk and Suffolk Constabularies on the 27 June 2018 in which you sought access to the following information:

“The total value of assets seized from criminals by the force in the last financial year (2017-2018).

Please also provide the total value of assets seized from criminals by the force in each of the four preceding financial years.

For each year, please provide a breakdown which shows the value of cash seizures, asset seizures and confiscations within this total.

Please can you also provide me full details of the force's largest five cash seizures and asset seizures in the past year, including the total value of the seizure, what was seized, and from whom it was seized.”

Response to your Request

The response provided below is correct as of 4 July 2018

Norfolk and Suffolk Constabularies have considered your request for information and our response is below.

The total value of cash seizures, assets seizures and confiscations, is provided in the table below by force and financial year.

Norfolk	Value of Cash Forfeitures (£)	Value of Cash Forfeitures including S27 MDA's (£)	Values of Confiscations (£)
2017/18	£44,138.01	£23,244.56	£375,092.90
2016/17	£54,292.97	£14,824.32	£817,915.97
2015/16	£63,334.91	£29,982.16	£308,146.84
2014/15	£15,453.70	Information not held	£9,276,292.59
2013/14	£12,741.99		£779,045.61

Suffolk	Value of Cash Forfeitures (£)	Value of Cash Forfeitures including S27 MDA's (£)	Values of Confiscations (£)
2017/18	£30,544.23	£39,479.61	£441,199.63
2016/17	£76,892.09	£22,047.43	£324,017.95
2015/16	£112,203.74	£14,233.86	£215,202.41
2014/15	£51,776.43	Information not held	£974,711.92
2013/14	£31,021.53		£1,445,084.92

The top 4 highest forfeitures (all cash) during the 2017/18 financial year are provided in the table below. Please note that we have only supplied the top 4 as these were the only ones of note, there were a others but they related to extremely small forfeitures.

Suffolk		Norfolk	
1. Jordan Keeble	£2,960.00	1. Section 21	£9,490.00
2. Dean Francis	£2,340.00	2. Paul Skipper	£5,000.00
3. Kaylan Abrahams	£2,130.59	3. Aurimis Mizinis	£4,501.00
4. Neil Dunn	£2,065.00	4. Jeremiah Abourdunrim	£3,045.00

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabularies, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice ban which:

- (a) States that fact
- (b) Specifies the exemption(s) in question and
- (c) States (if that would not otherwise be apparent) why the exemption(s) applies.

The information is exempt from disclosure by virtue of the following exemption(s);

Section 21(1) – Information reasonably accessible by other means

Section 40(2) – Personal Information

Information concerning the names of those persons listed 'Section 21' are published on the ERSOU website and are therefore reasonably accessible by other means as per Section 21 of the Freedom of Information Act 2000.

The following links will take you to the appropriate page:

Norfolk

1. https://www.ersouocu.org.uk/31/section.aspx/21/thieving_antique_dealer_ordered_to_pay_back_almost_10000

Section 40 is an absolute; class based exemption and applies to third party personal data. This would not be released under the FOIA unless there is a strong public interest. This is because any release would breach the Principles contained within Article 5(1) of the GDPR and Part 2 of the Data Protection Act 2018.

One of the main differences between the Data Protection Act and the Freedom of Information Act is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third party personal data, is exempted unless there is a strong public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life.

Principle (a) of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. When considering this principle, we first consider the lawfulness aspect in the disclosure of an individual's name. The information pertains to special category data owing to the fact it relates to their criminal history. Lawfulness refers to occasions where disclosure would not breach statute or common law obligations.

In this case we consider the Human Rights Act 1998. It is recognised that the 7 persons in question are not currently in the public domain. Generally speaking, seizures of this nature will result in details being placed in the public domain as a result of a court hearing, however, an individual would not expect their details to be processed after the case has been finalised, especially considering their details were not originally publicised. The Constabularies therefore consider it would be in breach of their Human Rights Act by disclosing their name and therefore disclosure would not be lawful.

With regards to the fairness aspect, the processing of information should be in a manner that individuals would reasonably expect, not in a way that could result in unjustified adverse effects on them. In this case, the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification considering their details were not publicised at the time. Disclosure of a name can equally lead to an individual being misidentified from the disclosure. Even considering the individuals have committed a criminal offence, the Constabulary still has a duty to ensure data is processed in accordance with Data Protection Legislation. We feel in this occasion, it would not be fair to process this data outside of the usual policing process.

The Constabulary considers that the transparency element has been met by the provision of the information within the response above.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing requirement for the processing of the information and would not be lawful or fair to the individuals in question.

It is for these reasons outlined above; that I feel the principle would be breached by this disclosure and the Section 40 exemption remains in place. I am not obliged to consider any further principle in my arguments.

This is an absolute, class-based exemption and, as such, there is no requirement to consider the public interest test.

In addition to the above, Norfolk and Suffolk Constabularies can **neither confirm nor deny** that it holds any other information relevant to the whole of your request by virtue of the following exemption:

Section 23(5) – Information supplied by, or concerning, certain security bodies

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded), which was directly or indirectly supplied to the public authority by, or relates to, any bodies specified in subsection (3).

This is an absolute exemption and I am therefore not required to complete a public interest test.

This cannot be taken as confirmation or otherwise that further information does or does not exist.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700