



Freedom of Information Request Reference N^o: FOI 005636-17

I write in connection with your request for information received by Norfolk and Suffolk Constabularies on the 10 July 2017 in which you sought access to the following information:

“From 01 January 2016 to the day this request is processed, I would like to know the number of overseas trips police officials have taken in the course of conducting police business.

For each overseas trip, please provide the following information:

- *The date and duration of the overseas trip, as well as the country that was visited*
- *The full name, title and position of the police official who went on the overseas trip*
- *The reason or reasons why the police official went on the overseas trip*
- *The cost of the overseas trip (please provide a breakdown of travel costs, accommodation costs and expenses)*

Please state whether the police force met the costs of the overseas trip, or whether an individual, group, company, consortium, charity or another organisation met the costs. Please provide the full name of the individual, group, company, charity or organisation that met the costs. If it is a group or consortium, please state who or what composes the group or consortium.”

Response to your Request

The response provided below is correct as of 10 July 2017

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

A search has been completed of the Constabularies financial statements for all records of abroad trips taken by staff and officers during the 2016-2017 calendar years.

The following table confirms by year, the rank and position of the officer, destination, reason and costs.

All costs were met by the Constabulary, with the exception of the two entries identified.

Suffolk

Date	Rank	Destination	Reason	Cost	Hotel Cost	Expenses
3/2/ - 4/2/16	PC	Bucharest - Romania	Prisoner Deportation	£408.01	Unknown	£342.05
	DC			£408.01	Unknown	£91.75
	DC			£408.01	Unknown	£148.25
23/2 - 28/2/16	DC	Miami - US	Section 31	£659.70	Unknown	£900.27
20/7 - 21/7/16	DS	Luxembourg	Prisoner Deportation	£974.01	Unknown	£41.45
	DCI			£974.01	Unknown	£79.57

	DC			£974.01	Unknown	£0.00
	PC			£974.01	Unknown	£64.20
10/10 - 11/10/16	N/A	Luxembourg	Op Seminar	£867.58	£441.50	£110.81
	DCI			£867.58	£441.50	£5.83
30/1 - 1/2/17	DS			£428.50	£424.37	£238.79
21-Feb-17	DC	Guernsey	Prisoner Deportation	£319.86	N/A	£29.26
	PC			£319.86	N/A	£40.77
	PC			£319.86	N/A	£44.31

Norfolk

Date	Rank	Destination	Reason	Cost	Hotel Cost
17/01/2016	PC	German	court case		£214.05
17/01/2016	SGT	German	court case		£214.06
17/01/2016	N/A	German	court case		£214.06
04/03/16	PC	AMSTERDAM	Exempt S31	130.01	£71.99
04/03/16	PC	AMSTERDAM	Exempt S31	130.01	£318.66
04/03/16	PC	AMSTERDAM	Exempt S31	130.01	
10/03/16	PC	FRANKFURT	Prisoner deportation	720.23	£228.18
10/03/16	PC			720.23	
10/03/16	PC			720.23	
11/03/16	N/A			188.07	
13/04/16	PC	PARIS	Prisoner Deportation	431.29	
13/04/16	PC	PARIS		385.29	£170.25
13/04/16	PC	PARIS		385.29	
09/05/2016	DC	Italy	Exempt S31		£227.30
16/09/16	INSP	LOS ANGELES	Hostage Negotiator Seminar	600.03	
16/11/16	STAFF	LYON	Meeting	162.87	£370.19
11/12/2016	STAFF	Dublin	Meeting	57.1	£250.49
Externally Funded					
12/10/16	STAFF	DUSSELDORF	Course –Home Office	469.58	
22/10/16	PC Stables*	PHOENIX	International Policing Conference - EDP	1185.37	£967.60

* Norfolk Safer Community Awards – 2015 winner <http://www.noscas.co.uk/uncategorized/noscas-2015-winners/>

The names of the officers, staff and offenders where applicable, and the identified reasons for travel, have not been provided as a result of exemptions within the Act and the sensitivities in respect the foreign travel requirements.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held.

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) are 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 exemptions;

Section 40(2) – Personal Data
Section 31(1) – Law Enforcement

Section 40(2) is an absolute 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 Data Protection Principles contained within the Data Protection Act 1998.

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, 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 1998 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.

When a public authority receives a request for information that constitutes personal data about its employees, it must decide whether disclosure would breach Principle 1 of the Data Protection Act (the DPA), i.e. whether it would be fair and lawful to disclose the information.

It is reasonable to expect the Constabulary will disclose more information relating to senior employees. Senior employees should expect their posts to carry a greater level of accountability, since they are likely to be responsible for major policy decisions and the expenditure of public funds.

Whether the disclosure is fair will depend on a number of factors including:

- Whether it is sensitive personal data;
- The consequences of disclosure;
- The reasonable expectations of the employees; and
- The balance between any legitimate public interest in disclosure and the rights and freedoms of the employees concerned.

Names can be considered sensitive personal data however, the consequences of the disclosure on those individuals concerned may not in fact, warrant the exemption. That said, disclosure of the information is personal data and as such, publishing the information must meet the legitimate interests of the request.

In the case of those exempted names, they are not the senior investigators of the case, the legitimate interests of the request, has been met by providing their rank at the time of the flight. The Constabularies do not consider the provision of the name would add any further weight to the disclosure and as such, the information remains exempt.

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

Section 31 is a qualified and prejudice based exemption and I am therefore required to consider the harm in disclosure and conduct a public interest test.

Harm

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these objectives we need to ensure that information provided does not disclose the officer deployment movements abroad, potentially identifying sensitive operations.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those who plan to commit crime, including a requirement to travel abroad where necessary. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved, must be the overriding consideration.

Public Interest Test

Factors favouring disclosure

The authority for any officer to travel abroad in pursuit of an operational need arising within the UK rests with the officer's chief constable or other chief officer where appropriate.

Forces are aware of their accountability to the public for the efficient and effective use of all their resources. Where considerable cost is likely to be involved, the relevance to national and local priorities is considered. Disclosure will therefore identify where funds are allocated and that they are being appropriately spent.

There is a public interest in the community being made aware of all the facts relating to officer deployment abroad in order to ensure complete openness and transparency.

Such information may also assist in the public being better informed of police movements abroad and provide reassurance that operations are appropriately and proportionality policed.

Factors against disclosure

The deployment of officers abroad is measured and authorised by Chief Officers, after careful consideration, in order to protect the public and apprehend individuals. To disclose details of officers to whom such tasks have been allocated would allow the public to identify officers and surmise from other information in the public domain, specific details of the operation.

Such a disclosure could be damaging to cross-border activities if the officers name and relating department are identified. If the challenges posed by serious crimes in the 21st Century are to be met then ever-greater international co-ordination of policing resources will be required. Such activity should not be impeded by FOI disclosures.

The personal safety of the public is inextricably linked to national security and any information that could identify officers within sensitive roles would not be disclosed.

Balancing test

There is a public interest in the transparency of policing resources, however, public safety is of paramount importance and any information which would place individuals at risk and compromise the law enforcement abilities of either Constabulary, is not in the public interest. The effective

delivery of operational law enforcement is crucial and of paramount importance to the Constabularies. Any disclosure would have a negative impact on law enforcement.

As much as there is a public interest in knowing that the delivery of law enforcement is appropriate and balanced, this will only be overridden in exceptional circumstances.

Therefore it is our opinion that for these reasons the balance test for disclosure is not made out.

Partial NCND

In addition to the information provided below, Suffolk and Norfolk Constabularies can **neither confirm nor deny** that it holds any further information by virtue of the following exemptions:

Section 23(5) – Information relating to Security bodies;

Section 24(2) – National Security

Section 27(4) – International Relations

Section 23(5) is an absolute and class based exemption and I am therefore not obliged to consider the harm or public interest factors in non-disclosure.

Section 24(2) and 27(4) are qualified and prejudice based exemptions and I am therefore obliged to articulate my decision by consideration to the harm and a Public Interest Test.

Overall harm for partial NCND

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. To confirm or not that any other information is held pertinent to this request would undermine any ongoing investigations.

To enable Constabularies to counter any national or international criminal and terrorist behaviour, it is vital that the United Kingdom Police Service has the ability to work together, where necessary covertly, with other law enforcement agencies.

In order to achieve this goal, officers and staff at times visit other countries to ensure skills, intelligence and investigative tools from the United Kingdom are shared, which may include information relating to exempt bodies as detailed within Section 23(3) of the Freedom of Information Act.

To confirm whether or not any other information pertinent to this request is held would be extremely useful to those involved in criminal/terrorist activity as it would enable them to map where exempt bodies are currently actively carrying out investigations. Such awareness would enable individuals, subject of the investigative activity, to evade detection and surveillance.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as substantial, see below link:

<https://www.mi5.gov.uk/home/the-threats/terrorism/threat-levels.html>

In order to counter criminal and terrorist behaviour it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

To achieve this goal, it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other law enforcement bodies within the United Kingdom. Such an action supports counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

To confirm or deny whether any other information is held would be extremely useful to those involved in terrorist activity as it would enable them to identify whether specific covert investigations have taken place.

Factors favouring confirmation or denial for S24

The public are entitled to know how public funds are spent and by confirming or denying countries the Constabulary has gone to for the purpose of its investigations would lead to a better-informed public that can take steps to protect themselves

Factors against confirmation or denial for S24

By confirming or denying that any other information relevant to the request exists would render Security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial for S27

Confirming or denying whether information is held relevant to your request would allow the public to be better informed and would be in the interests of open government and public accountability. Disclosure could increase understanding on international matters and participation in the public debate of the issues raised.

Disclosure of information, if held, would promote good relations between the United Kingdom and any other State, and assist in raising public awareness around partnership working between foreign agencies and the Police.

Factors against confirmation or denial for S27

Confirming or denying that any information is held would highlight the liaisons which might have taken place between the Constabulary and another country.

This could lead to a lack of trust by the government of that country as any disclosure of potential sensitive information could undermine relations. The effective conduct of international relations depends upon maintaining trust and confidence between Governments. If the United Kingdom does not maintain this trust and confidence, its ability to protect and promote UK interests through international relations will be hampered.

The disclosure of information detailing our relationship with other countries could potentially damage the bilateral relationship between the UK and other states. This would reduce the UK government's ability to protect and promote UK interests through its relations with those other states.

Balance test

The security of the country is of paramount importance and the Police service will not divulge whether information is or is not held if to do so could undermine National Security or compromise law enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with

the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances. Therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information relevant to your request exists is not made out.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. The force is already held to account by statute, for example the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act and independent bodies such as Her Majesty's Inspectorate of Constabulary and the Independent Police Complaints Commission. Our accountability is therefore not enhanced by confirming or denying that any other information is held.

None of the above can be viewed as an inference that any other 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