



29th January 2019

Freedom of Information Request Reference N^o: FOI 000015/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 2nd January 2019 in which you sought access to the following information:

I'm hoping you can help me in my research into robberies of independent retailers and goods from their vehicles from outside cash & carries/wholesale depots. I've been contacted by shop owners concerned about this becoming a more common occurrence and I believe there is strong public interest for this to be published.

Please could you provide the following information:

The address, crime date, offence type, crime reference number and theft value (if logged/applicable) of each crime reported between December 1 2016 and December 1 2018 that include any of the search terms listed below and any of the criminal offence types listed below.

Search terms:

- Cash and carry
- Cash & carry
- Depot
- Wholesale
- Booker
- Bestway
- Parfetts
- Dhamecha
- Blakemore
- Filshill

*Criminal offence types requested:

- Burglary
- Theft (including from a vehicle)
- Robbery (including armed)
- Violence against the person

Response to your Request

The response provided below is correct as of 17th January 2019.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

Research has been undertaken of recorded crimes using the terms included in your request. With regard to the Norfolk crimes, this has returned 3 records but after reviewing the details, one is not relevant to your request.

Please see results below:-

Date	Location	Offence	Value
NORFOLK			
August 2017	Labuda Cash & Carry Norwich	Burglary - Business And Community	Approx £600-£700
September 2018	(Exempt - Section 30) Kings Lynn	Theft from shops and stalls	£1500
SUFFOLK			
January 2017	Booker Cash & Carry Ipswich	Theft from shops and stalls	£82.88
June 2017	(Exempt - Section 30) Ipswich	Theft from shops and stalls	£106
March 2018	(Exempt - Section 30) Ipswich	Attempted - Theft from shops and stalls	-
March 2018	(Exempt - Section 30) Ipswich	Theft from shops and stalls	Not Recorded

The crime reference numbers have not been provided due to exemptions within the Act. Additionally where the investigation has not yet resulted in an offender being identified, the crime locations have not been provided.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabularies, when refusing to provide information which has been confirmed as being held (because the information is exempt), is to provide you, the applicant, with a notice in 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 applies.

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

- **Section 30(1)(a)(b) Investigations**
- **Section 40(2) Personal Information**

Section 30 is a qualified class based exemption and therefore we are obliged to consider the public interest.

Factors favouring disclosure

The disclosure of details relating to investigations, undertaken by the Constabularies, would provide the public with reassurance that these are managed appropriately and all relevant enquiries are undertaken. Investigations are conducted using public funds therefore disclosing information provides transparency of the way public money is used.

Disclosure of the investigation details would increase public confidence and could result in more people coming forward with information.

Factors favouring non-disclosure

These crimes remain unsolved at this time as no perpetrators have been identified. The disclosure of any details, which relates to an unsolved crime, would provide useful information to an offender,

as it could give an indication as to whether their involvement is or isn't suspected. This could lead to individuals taking steps to destroy evidence, in order to avoid detection.

It is vital that information continues to be received from witnesses when carrying out investigations. Witnesses may be reluctant to provide information if they believe that details relating to the investigation could be released, via an FOI request, whilst any enquiry is still ongoing.

If someone knows a crime reference number, along with the other details provided within the response, they may attempt to obtain further information by the Constabulary and quoting these numbers.

Balance Test

There is a public interest in the way in which the Constabularies conduct investigations and carries out crime related enquiries into reports of theft and burglary. Providing any details of the investigations would therefore be in the public interest and provide reassurance that crimes are appropriately investigated.

These reports remain unsolved cases and it would not be in the public interest to disclose details at this time. Significant public funds are required to ensure that investigations are appropriately managed and all possible enquiries undertaken, to identify and successfully prosecute offenders.

The Constabulary's Press Office will make disclosures in a timely and ordered manner, to ensure any disclosures assist the Police in their enquiries. Disclosure under the FOIA should not be detrimental to that process.

It would not be appropriate to release information under the Freedom of Information Act which could impact on this process.

Section 40

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. In this case providing the locations and crime reference numbers could lead to the identification of individuals involved.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of 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 A 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.

It is therefore our opinion that the balance lies in non-disclosure, at this time. This serves as a refusal notice under section 17(1) of the FOI Act by virtue of the exemption at section 30(1) and 40(2).

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>
<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, 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 40 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
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW
OR
Email: freedomofinformation@norfolk.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