



Freedom of Information Request Reference N^o: FOI 000102-19

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 8 January 2019 which you sought access to the following information:

“Please could you provide us with a list of all female victims of homicide killed between 1 January 2018 and 31 December 2018 (inclusive) which your authority has been responsible for investigating and, for each victim:

- 1. the date of the homicide;*
- 2. the names of the victims and the accused;*
- 3. the age of the victim;*
- 4. the ethnicity/race of the victim;*
- 5. the relationship between the accused and the victim;*
- 6. the sex of the perpetrator;*
- 7. if identified, the way in which the victim was killed;*
- 8. whether there were any previous reports from the victim (or any third party) regarding the perpetrator; and*
- 9. whether there were any previous reports and / or convictions of any other offences related to violence against women perpetrated by the accused.”*

Response to your Request

The response provided below is correct as of 21 January 2019

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

Suffolk and Norfolk Constabularies have recorded a total of 5 homicide investigations during 2018 where the victim was a female. The details of which are as follows:

Force	Suffolk Constabulary
Date	06 Aug 2018
Victims name	Katherine Kemp
Suspects name	Thomas Kemp
Victims age	31
Victims ethnicity	White - North European

Relationship	Spouse
Suspects gender	Male
Method of killing	Stabbing

Force	Suffolk Constabulary
Date	30 Nov 2018
Victims name	Section 40/30
Suspects name	Section 40/30
Victims age	Section 40/30
Victims ethnicity	Not recorded
Relationship	Not recorded
Suspects gender	Section 40/30
Method of killing	Section 40/30

Force	Norfolk Constabulary
Date	21 Sep 2018
Victims name	Cristina Magda-Calancea
Suspects name	Gediminas Jasinskis
Victims age	26
Victims ethnicity	White - North European
Relationship	Not recorded
Suspects gender	Male
Method of killing	Stabbing

Force	Norfolk Constabulary
Date	23 Sep 2018
Victims name	Frances Hubbard
Suspects name	Section 40/30
Victims age	76
Victims ethnicity	Not recorded
Relationship	Section 40/30
Suspects gender	Section 40/30
Method of killing	Stabbing

Force	Norfolk Constabulary
Date	01 Jul 2018
Victims name	Ava May Littleboy
Suspects name	Section 40/30
Victims age	3
Victims ethnicity	Section 40/30

Relationship	Not recorded
Suspects gender	Female and Male
Method of killing	Corporate Manslaughter

Specific information identified with the relevant exemption, has not been included as a result of exemptions within the Act.

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) is to provide you the applicant with a notice 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 30(1)(a) – Investigations

Section 40(2) – Personal Information

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 the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification, or equally led to an individually be wrongfully identified as a suspect.

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.

Section 30 is a qualified, class based exemption and I am therefore obliged to consider the public interest test.

Public Interest Test

(When applying a qualified exemption a public authority is required to consider whether 'in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information')

Favouring Disclosure

Investigations are expensive and use the resources provided from public funds. To disclose information about such cases would show to the public how we spend their money.

Such information would provide the general public with an understanding that we take such matters seriously and we ensure all offences are investigated thoroughly.

Given the high profile of such investigations and the fact that they are all in the public domain, there is a public interest in the community being made aware of all the facts relating in order to ensure complete openness and transparency.

Favouring Non-Disclosure

Information that relates to an investigation will rarely be disclosed under the FOI Act, if by doing so we could risk prejudicing the investigation.

Although it is recognised that murder investigations are high on the public agenda, the Constabulary will not disclose information that could lead to the identification of any suspect prior to them being charged. The Constabulary must ensure that the investigation is carried out with integrity and a disclosure of this nature will identify individuals involved with the investigation, impacting on the natural progression of the police investigation.

We are law enforcers and we aim to provide a sufficient and positive approach to the way we conduct our investigations, we would not want a disclosure of this nature to compromise this in any way.

Balancing Test

In certain cases there will be a strong public interest in disclosing this information if to do so would have a positive effect on core policing purposes. There is always a public interest in the provision of information that will identify where funds are being spent and that the Constabulary is effectively investigating offences.

The timing of the request is crucial in the application of Section 30 and it is recognised that the exemption will not necessarily be applicable once an individual has been charged. However, until such a time that this occurs, or it is publically acknowledged by the Constabulary whom these persons are, it cannot be considered in the best interests of the public to release information at this stage of the investigation. There is a strong public interest in preserving the integrity of investigations and ensuring that individuals have confidence in approaching the Constabulary with any concerns they may have.

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. It is of paramount importance that Constabularies' are able to effectively investigate offences without prejudice, including disclosures of this nature impacting on a positive investigative outcome.

Having weighed up the factors favouring disclosure and those favouring non-disclosed, I have decided that the balance lies with non-disclosure.

In regards to points 8 and 9, the Constabularies can neither confirm nor deny whether any information is held.

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.

Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice 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 Suffolk Constabulary can **neither confirm nor deny** that it holds the information you have requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 40(5)(b)(i)(ii) – **Personal Information**
Section 30(3) – **Investigations**

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 (Part 2 Chapter 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 lawfully, fairly and in a transparent manner. In this case it would not be fair or lawful to disclose any information that may identify whether or not an individual has had prior involvement with the Police. Any persons regardless of the situation would have a reasonable expectation that information would not be processed if it resulted in their identification, or equally led to an individual be wrongfully identified as a consequence.

Information of this nature will identify not only whether the individuals themselves have had any previous dealings with the police, but also whether any other third party has contacted the Constabulary regarding them specifically. This will invariably lead to the identification of another individual unconnected to this investigation and may also confirm to the named party whether any individual has previously contacted the police in relation to them. This detail may not be known and we would not wish to confirm whether or not any such information is held, if to do so would identify intelligence or personal data of a third party.

Although the suspects for these offences will have a general expectation that, when charged, their names will be disclosed, this information relates specifically to the offence in question. They would have no expectation of previous criminal history, if any, is disclosed under a Freedom of Information request. This is not the purpose for which the data was obtained and we would need to evidence the public interest in this information being disclosed, without breaching the Data Protection Act.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Confirmation or denial of what, if any, information is held, would exceed the original Policing requirement for the processing of information and would not be lawful or fair to any individual.

Section 30 is a qualified and class based exemption and there is a requirement to conduct a public interest test.

Factors Favouring confirmation or denial for S30

There is a public interest in the transparency of policing operations and providing assurance that the Constabulary is appropriately and effectively dealing with crime. Confirming or denying whether any information is held would allow the public to make informed decisions about these matters.

Investigations are conducted using public funds, therefore, the release of information of this nature would provide the public with reassurance that resources are being appropriately managed and allocated to investigate crimes.

Factors against confirmation or denial for S30

There is a strong public interest in safeguarding the integrity of police investigations and operations and in maintaining confidence in the Police Service. Confirmation or denial that any information is held relevant to the request would undermine any investigative process and compromise the integrity of any operations

Information regarding specific investigations is rarely confirmed or denied under FOI, unless already publicised via official Constabulary press releases. The Police have to consider any impact that such a disclosure may have on investigations. It is vital that information continues to be received from witnesses, when carrying out investigations. They may be more reluctant to provide information to the Police, if they believe that it could be released under the Freedom of Information Act.

Balance Test

Whilst there is a public interest in the transparency of policing operations and providing assurance that the Constabulary is appropriately and effectively dealing with crime, the Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. There is a very strong public interest in safeguarding the integrity of police investigations generally.

It is for these reasons that the Public Interest must favour neither confirming nor denying that the requested information is held.

This should not be taken as conclusive evidence that any information that would meet your request exists 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 40 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