



30th March 2020

Freedom of Information Request Reference N°: FOI 000274/20

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 20th January 2020 in which you sought access to the following information:

In 2012 the the Association of Chief Police Officers and the National Policing Improvement Agency (NIPA) published the 'Report on the Police Human Tissue Audit 2010-2012':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115689/police-human-tissue-audit.pdf

This audit established that, at this time, your police force had identified 6 samples (Norfolk) & 8 samples (Suffolk) of 'Category 3' human material which were 'taken during a post-mortem following a suspicious death/homicide' and 'no longer required for a criminal justice purpose' but still 'held by or on behalf of police in police premises, hospital mortuaries and other establishments.' Category 3 human material is defined by NIPA as 'samples of human tissue that incorporate a significant part of the body (e.g. organs, limbs etc.)'.

- 1 For each of the 6/8 samples of Category 3 human material identified in this report, please can you provide the following information:
 - 1a What the human material was, e.g. 'left leg' or 'pancreas';
 - 1b Approximate date on which your force / constabulary / organisation came into possession of this material;
 - 1c Whether the material is still held by your police force / constabulary / organisation;
 - 1d Date on which next of kin made aware that this material was held by your force / constabulary / organisation (if applicable);
 - 1e Date on which material was returned to next of kin (if applicable);
 - 1f If material was destroyed by your force / constabulary / organisation, please give the date on which this happened, means of disposal and location of ashes (if known) (e.g. 01/01/2013, cremation, address of specific crematorium, final location of ashes unknown);
 - 1g If the next of kin have not been notified about the existence of this material, and, if applicable, the destruction of said material, please state the reason why. There may be many reasons why this might be the case, e.g. next of kin have been convicted, are elderly or infirm.

The 2012 NIPA audit acknowledged that their figures should only be considered a 'snapshot' and 'may not be complete for many forces as some institutions may yet discover tissue held on behalf of the police'.

- 2 Since your force / constabulary / organisation carried out this audit, please state how many more samples of 'Category 3' human material 'taken during a post-mortem following a suspicious death/homicide' and 'no longer required for a criminal justice purpose' but still 'held by or on behalf of police' have you identified?

- 3 For each of the new samples identified since the 2012 audit, please can you answer the following questions:
- 3a Where (e.g. 'police premises' or 'hospital mortuary') and on what date the material was identified;
- 3b Approximate date on which your police force / constabulary / organisation first came into possession of this material;
- 3c What the human material is, e.g. 'left leg' or 'pancreas';
- 3d Whether the material still held by your police force / constabulary / organisation;
- 3e Date on which next of kin made aware that this material was held by your police force / constabulary / organisation (if applicable); 3.f.Date on which material was returned to next of kin (if applicable); 3.g.If material was destroyed by your police force / constabulary / organisation, please give the date on which this happened, means of disposal and location of ashes (if known) (e.g. 01/01/2013, cremation at address of specific crematorium, garden of remembrance at specific crematorium);
- 3h If the next of kin have not been notified about the existence of this material, and - if relevant - were not notified about the destruction of said material, please state the reason why. There may be many reasons why this might be the case, e.g. next of kin have been convicted, or are too elderly or infirm.

For definition of any terminology used, please refer to the NIPA 2012 report linked above.

Response to your Request

The response provided below is correct as of 4th February 2020.

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

When responding to a request for information under the terms of the Freedom of Information Act (2000), a public authority is not obliged to provide information, if the authority estimates that the cost of the retrieval of the information requested, would be in excess of £450 (equivalent to 18 hours work).

The costs criteria relates to a request in its entirety, which means that if we cannot retrieve *all* of the information requested within the costs limit, we are not obliged to retrieve *any* of the information requested.

The Norfolk and Suffolk Constabularies estimate that to retrieve all of the information you have requested would exceed cost in excess of £450.

Research has been undertaken by the Joint Norfolk and Suffolk Major Investigations Team in order to identify relevant information.

They have advised that to respond to part 1 of your request, would exceed the cost limit imposed by the Freedom of Information Act. Whilst there is information held on the HOLMES database, in relation to the 14 cases identified, it is not held in a viewable state. Whilst a limited amount of detail has been identified, the paper records for each case are held in our deepstore facility.

The relevant boxes have been retrieved from the Deepstore facility and a manual trawl of the first four boxes have been undertaken. This has not identified the details in order to respond to your request.

Over 18 hours has already been spent on researching your request and there are a further 10 boxes to be viewed.

This would therefore exceed the appropriate limit for dealing with Freedom of Information requests, in terms of costs, and therefore Section 12(1) of the Freedom of Information Act applies.

Section 12(1) of the Freedom of Information Act states that a public authority is not obliged to:

“...comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit”.

The Freedom of Information (Appropriate Limit and Fees) Regulations 2004, defines the ‘appropriate limit’ for Norfolk and Suffolk Constabularies as £450, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for your request.

Advice & assistance

Although excess cost removes Norfolk and Suffolk Constabularies obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relevant to your request, which was retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Q1 Of the 14 cases, we can advise the following:-

Norfolk

5 of the 6 cases in Norfolk were held as a result of the post mortem. The details of the sixth case are held in the deepstore facility.

Suffolk

Of the 8 cases in Suffolk, 6 were retained at hospital. Details of the remaining two cases are likely to be held in the deepstore facility.

Q2 No cases have been identified.

Q3 Not applicable

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