

Freedom of Information Request Reference N°: FOI 000283-19

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

1. *"Names of officers (including special constables) dismissed from Suffolk Constabulary between 2014 and 2018 (inclusive)*
2. *The reasons for their dismissal.*
3. *Names of officers (including special constables) who resigned while under internal investigation from Suffolk Constabulary between 2014 and 2018 (inclusive)*
4. *The circumstances behind the internal investigations.*
5. *I would like to understand the reasons why officers have been dismissed or resigned while suspended or under investigation. If names cannot be released, ranks and epaulette numbers will suffice."*

Response to your Request

The response provided below is correct as of , 2019.

Suffolk Constabulary has considered your request for information and the response is below.

A review has been conducted of all misconduct and disciplinary hearings, which resulted in the Police officer or member of the Special Constabulary being dismissed, for the period 1 January 2014 to 31 December 2018.

The following cases resulted in the Police officer or member of the Special Constabulary being dismissed, including the year, rank and summary of the incident.

Year	Rank	Summary
2015	Police Constable	Improper relationship with member of the public
2016	Police Constable	Relationship with vulnerable person whilst on duty
2016	Detective Constable	Accessed Force systems for a non-policing purpose
2017	Police Constable	Conviction for driving with excess alcohol
2017	Detective Constable	Conviction of a criminal offence



2018	Police Constable	Accessed Force data for a non-policing purpose Sought to engage in an improper relationship with a witness
2018	Police Constable	Excessive force used during arrest
2018	Police Constable	Accessed Force systems for a non-policing purpose Disclosed personal details to a third party

A review has been conducted of all internal conduct cases recorded, where the Police officer or member of the Special Constabulary resigned either whilst under investigation or prior to misconduct proceedings, for the period 1 January 2014 to 31 December 2018.

The following cases resulted in an officer's resignation prior to or during, the investigation. Please note that the information supplied relates to the allegation or breach, as they have not been proven.

Year	Rank	Allegation/Breach	Stage at which resigned
2014	Police Constable	Discriminatory behaviour Irregularity in evidence/perjury	Resigned during investigation
2014	Police Constable	Orders and instructions Honesty and integrity	Resigned prior to misconduct proceedings
2014	Special Constable	Honesty and integrity	Resigned prior to misconduct proceedings
2014	Police Constable	Discreditable conduct	Resigned during investigation
2014	Police Constable	Discreditable conduct Honesty and integrity	Resigned prior to misconduct proceedings
2014	Special Constable	Honesty and integrity	Resigned during investigation
2014	Special Constable	Confidentiality	Resigned during investigation
2014	Police Constable	Discreditable conduct	Resigned during investigation
2014	Police Constable	Discreditable conduct	Resigned during investigation
2014	Special Constable	Honesty and integrity	Resigned during investigation
2015	Police Constable	Honesty and integrity	Resigned prior to misconduct proceedings
2016	Police Constable	Discreditable conduct Orders and instructions	Resigned during investigation
2016	Police Constable	Duties and responsibilities Honesty and integrity Orders and instructions	Resigned during investigation
2017	Detective Sergeant	Authority, respect and courtesy	Resigned during investigation
2017	Detective Constable	Authority, respect and courtesy	Resigned prior to misconduct proceedings
2017	Police Constable	Authority, respect and courtesy	Resigned during investigation
2017	Police Constable	Honesty and integrity	Resigned prior to misconduct



			proceedings
2018	Special Constable	Discreditable conduct	Resigned during investigation

With regards to the officer's names and/or Epaulette numbers, this detail has not been provided as a result of exemptions within the Act.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk Constabulary, 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 exemption;

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, 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. It is defined by information relating to an identifiable living person who can be identified, directly or indirectly, by the disclosure of an identifier such as a name or an identification number. A name and epaulette would therefore be considered relevant to this definition.

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 the officer's names or epaulettes. Lawfulness refers to occasions where disclosure would breach statute or common law obligations.



In this case we consider the Human Rights Act 1998. Regardless of their public facing role, officers would not expect their names to be disclosed under Freedom of Information Act requests would not expect details to be processed in response to an FOI request, which may inadvertently identify their involvement with an offence. The Constabulary considers it would be in breach of the Human Rights Act by disclosing details that may identify them 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. Disclosure of this nature can equally lead to an individual being misidentified from the disclosure. The Constabulary 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 usual policing processes.

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

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.

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/>

Suffolk Constabulary is 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 Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 40 working 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 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 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