



Freedom of Information Request Reference N^o: FOI 000323-18

I write in connection with your request for information received by Suffolk Constabulary on the 20 January 2018 in which you sought access to the following information:

“Details of the youngest (convicted) drink driver caught on Suffolk’s roads in 2017, including breath/blood test results, conviction/sentence details, where and when they were caught, how long they had licence for, age, name and address if over 18.”

Response to your Request

The response provided below is correct as of 24 January 2018

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

The youngest person convicted of drink driving on Suffolk Roads during 2017 was 18 years old.

The Breath test results were as follows: SPECIMEN 73 / SPECIMEN 71

The conviction/sentencing details were as follows:

- Disqualified from holding or obtaining a driving licence for 19 months, to be reduced on the completion of a course approved by the Secretary of State.
- Driving record endorsed
- Fine/Costs

The individual was arrested in Waltons Way, Brandon during November 2017.

The length for which the licence was held is not recorded.

Information concerning the individuals name and address details have not been disclosed as a result of exemptions within the Act.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk, when refusing to provide such information (because the information is exempt) is 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 exemption(s);

Section 40(2)(a)(b) – Personal Data by virtue of S40(3)(a)(i)

Section 40 is an absolute class based exemption and there is no requirement for the Constabulary to undertake a public interest test.

Information that will, or could lead to, the identification of an individual 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, 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 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.

Recent ICO (Information Commissioners Office) guidance confirms that requests for information need to be assessed on a case-by-case basis. "Any request for information under the Freedom of Information Act should be assessed on a case by case basis in order to determine which, if any, exemptions may apply to the information. When a requester asks for information which includes someone else's personal data, consideration needs to also be given to the data subject's rights to privacy and whether the disclosure would be fair and comply with the data protection principles." In this case this applied to their name and address.

The Constabulary considers that the provision of a name is sensitive personal data and the likelihood of an individual, being identified from such a disclosure is extremely high. This is particularly more relevant when providing the data alongside their address details. Individuals who know a person of this name will undoubtedly be able to identify them from the provision of address information.

It is accepted that the individual was convicted of this offence and therefore details would have, at some point, been in the public domain. However, that would have been for that snap shot in time and not permanently as per FOI disclosure. Consideration needs to be given as to whether any such disclosure would be in breach of the Data Protection Principles.



The only principle likely to be breached by FOI disclosures is principle one, which states: Information shall be disclosed fairly and lawfully and at least one of the conditions in schedule 2 is met and, for sensitive personal data, at least one of the conditions in schedule 3 is also met.

Most of the conditions in Schedules 2 and 3 are not relevant to FOIA disclosures. The Schedule 2 condition most likely to be relevant is that at point 6:

“The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject”.

The condition at paragraph 6 of DPA Schedule 2 is often seen as being similar to a public interest test.

The publication of a name of persons charged with offences is managed by the Constabulary's Corporate Communications Department in a controlled manner and in accordance with the Crime and Disorder Act. Disclosure under FOI has an opposing effect. In that the information will remain in the public domain indefinitely.

In consideration of the above, I have concluded that it would not be fair or lawful to disclose an individual's name and address details in such circumstances and the Section 40 exemption is engaged.

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 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 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