



Freedom of Information Request Reference N°: FOI 000402-19

I write in connection with your request for information received by Suffolk Constabulary on the 28 January 2019 in which you sought access to the following information:

“Please state the number of allegations of

- a) Rape*
- b) Sexual assault*
- c) Sexual harassment*
- d) Sexual misconduct*

Received by your force, where the location code of the offence was recorded as being a) a hospital and/or b) a GP surgery, in each of the last five calendar years: 2014, 2015, 2016, 2017 and 2018.

2. For each of these allegations, please provide the incident date, location, brief details of allegations, whether a suspect was identified, whether a suspect was arrested, whether a suspect was charged, and whether a suspect was convicted.”

Response to your Request

The response provided below is correct as of 7 February 2019

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

A search has been completed of the Constabulary’s crime system for all Sexual offences recorded where the location has been recorded as a ‘Doctor’s Surgery/Clinic’ and ‘Hospital/Hospice’, within the current crime system dating from 19 October 2015, and ‘Hospital, Surgery and Hospital Toilets’ in the legacy crime system.

Please note that the information researched relates to all sexual offences as sexual harassment and sexual misconduct are not crime types and we would be required to make a judgement on whether the offence related to harassment or misconduct, which is not required under FOI.

Outcome data held on the legacy system is not reliably recorded and consequently for the majority of cases, we can only confirm whether a suspect has been identified or not.

1. The total number of sexual offences recorded with the above locations for the calendar years 2014 – 2018 is provided in the table below, by Offence, Month, Year and outcome.



Please note that the Constabulary does not record conviction data.

2. To provide the incident date, specific location and summary of offence would undoubtedly lead to an individual being identified. This information has therefore not been provided as a result of exemptions within the Act.

We have however provided the information by town, month and year for data extracted from October 2015 and the month and year for data extracted from the legacy system. Extracting location data prior to 2015 only shows the exact location as opposed to the town.

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(s);

Section 40(2) – Personal Data

Section 44(1) – Prohibitions on Disclosure

Section 40 and 44 are an absolute class based exemption and there is no requirement for the Constabulary to undertake a public interest test.

Section 40 pertains 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.

By law, all victims of rape and other sex crimes, including children, are automatically guaranteed anonymity for life from the moment they make a complaint that they are the victim of a sex crime. This anonymity was once given only to victims of rape however; the Sexual Offences Act 1992 extends to victims of most other sexual offences. Therefore, it is the duty of the Constabulary to ensure this anonymity is not breached by a perceived risk of identification.

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.

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 consequence.

In every case, when sharing information, regard must be had to the provisions of the Human Rights Act 1998, the Data Protection Act 2018, and the principles laid down by case law.

In this case we need to assess whether or not, under the Freedom of Information Act, it would be fair and proportionate to disclose the specific locations along with the specific date and offence summary.

Individuals would have a reasonable expectation that their personal information will not inadvertently be further processed outside of what is considered reasonable by a Public Authority.

The Constabulary needs to consider whether it could be considered proportionate and fair to those individual to process information publically that may lead to their identification. Disclosures made under the FOI Act are made available to the world for a substantial time frame, over and above what the Constabulary would deem reasonable.

It is for these reasons outlined above; that I feel the first data Protection principle would be breached by this disclosure and consider it would be an unwarranted intrusion into the rights and freedoms of that data subjects and the victims. I am not obliged to consider any further principle in my arguments and the Constabulary considers that Section 40 is engaged.

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