



26th April 2019

Freedom of Information Request Reference N^o: FOI 000461/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 30th January 2019 in which you sought access to the following information:

- 1 For all crimes reported in the calendar year 2018 whose outcomes you have classed as 'investigation complete; no suspect identified', please provide the date on which the investigation started and the date on which it was classed as 'investigation complete; no suspect identified'.

If the investigation was started and concluded on the same day, if possible please state in addition the number of man-hours spent working on the case.

- 2 Please break this data down by these crime types and if possible the community safety partnership or local authority in which the crime took place. Please also include the offence description:
 - Bicycle theft
 - Burglary
 - Criminal damage and arson
 - Drugs
 - Other crime
 - Other theft
 - Possession of weapons
 - Public order
 - Robbery
 - Shoplifting
 - Theft from the person
 - Vehicle crime
 - Violence and sexual offences

In other words, the table would look something like this:

Crime type / Start date / End date / Local Authority
Burglary / 01/01/2018 / 03/01/2018 / Manchester
Robbery / 01/01/2018 / 02/01/2018 / Oldham

Response to your Request

With regard to providing the offences broken down to a lower level, we believe that providing this, along with the information already included within the response, would significantly increase the likelihood of identifying specific reported crimes and therefore the individuals involved. The further breakdown has not been provided due to 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 section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon, section 17 of the FOIA requires that we provide you, the applicant, with a notice which:-

- a) States that fact
- b) Specifies the exemption in question, and
- c) States (if that would not otherwise be apparent) why the exemption applies

The specific exemptions are:-

- Section 40(2) Personal Information
- Section 44(1) Prohibitions on Disclosure
- Section 30(1) Investigations

Section 40 is an absolute, class based exemption and applies to third party personal data, which 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 General Data Protection Regulations 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, and 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 be not be processed if it resulted in their identification, or equally lead to an individual be wrongfully identified as a consequence.

Disclosures under the FOIA 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.

Included in the response are details of the offence type, the date it was reported and the District where it occurred. Were we to provide a further level of detail of the offence type, combined with the other information already provided, this would significantly increase the likelihood of identifying specific cases. This is especially pertinent with regard to any violent and sexual offences.

By law, all victims and 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.

These are absolute, class based exemptions and, as such, there is no requirement to consider the public interest test.

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

Public Interest Test

Factors favouring Disclosure

Investigations are conducted using public funds therefore disclosing information provides transparency of the way public money is used.

Disclosure of investigation details would increase public confidence and could result in more people coming forward with information. This would assist investigations and lead to more successful prosecutions.

Factors favouring Non-Disclosure

Information relating to specific investigations which have not resulted in a prosecution is rarely provided under the FOI Act as it could lead to the identification of those involved, including victims, witnesses and suspects. It is vital that information continues to be received from victims and witnesses when carrying out investigations and they may be reluctant to provide information if they believe that details relating to the investigation could be released, via an FOI request.

Releasing the details under the FOIA and, therefore making the information public, could hinder any current or future investigations undertaken by the Constabulary.

Balance Test

There is a public interest in the way in which the Constabulary conducts investigations. Providing details would therefore be in the public interest.

Significant public funds are required to ensure that investigations are appropriately managed and all possible enquiries undertaken, to identify and successfully prosecute offenders. The Constabulary would therefore not reveal any details which would hinder this process or identify any persons involved.

It is therefore our opinion that the balance lies in non-disclosure, at this time. This serves as a refusal notice under section 17(1) of the FOI Act by virtue of the exemption at section 30(1).

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