



2nd March 2020

Freedom of Information Request Reference N^o: FOI 000491/20

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 29th January 2020 in which you sought access to the following information:

Could you tell me please:

- The number of digital devices that are awaiting forensic examination
- The estimated time that it would take to examine these devices and clear the backlog

If possible, and it falls within the cost limit, could you also please let me know which recorded offences the devices are linked to, eg sexual offences, indecent images of a child etc.

Response to your Request

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

The following figures are valid as at 6th February 2020.

75 submissions awaiting examination. Within these there are 106 mobile devices and 67 computers and peripherals.

It is estimated that it would take approximately 4 to 8 weeks to examine all of the submissions. This is obviously an estimated timescale and will vary depending on each individual case requirement. Where there are urgent cases, relating to serious offences, the examination will be expedited, as a priority.

The list of offences is provided below:

- Indecent Images
- Fraud
- Drug Offences
- Murder
- Rape
- Child Sexual Offences
- Harassment
- Assault

Partial Neither Confirm Nor Deny

Norfolk and Suffolk Constabularies will **neither confirm nor deny** whether any other information is held in respect of your request.

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 the applicant with a notice which:-

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

The Constabularies can **neither confirm nor deny** whether the information you have requested is or isn't held, as the duty in section 1(1)(a) of the FOIA does not apply by virtue of the following exemptions:-

- **Section 24(2) – National Security**
- **Section 31(3) – Law Enforcement**

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Harm in confirming or denying whether any other information is or isn't held

Policing is an information-led activity and the recording of all offences, including terrorist offences, forms part of the fundamental day-to-day delivery of effective operational law enforcement.

To confirm or deny whether any other information, relating to terror offences, is held, would reveal investigative activity enabling terrorists, and other offenders, to identify force areas which may be considered 'safer' to carry out their offending. This information would be extremely useful to those involved in terrorism related activity and this would ultimately undermine any ongoing investigations. This could lead to officers having to be removed from their frontline duties in order to increase resources on an investigation.

Furthermore, to confirm or deny whether any other information, is or isn't held, has the potential to undermine the flow of information (intelligence) received from members of the public. This would undermine National Security and leave the United Kingdom at risk of more terrorist attacks.

Public Interest Test

Section 24 – factors favouring the confirmation or denial as to whether any other information is or isn't held

The public are entitled to know how public funds are allocated and how resources are distributed within an area of policing. To confirm whether Norfolk or Suffolk Constabularies have recorded any terrorism related offences, would enable the general public to hold the Constabularies to account, ensuring all such offences are recorded and investigated appropriately. In the current financial climate or cuts, and with the call for transparency of public spending, this would enable accurate public debate.

Section 24 – factors against the confirmation or denial as to whether any other information is or isn't held

Security measures are put in place to protect the community we serve. As evidenced within the harm, to confirm whether or not individual forces hold information relating to terrorism offences, this would highlight to terrorists, and persons intent on carrying out criminal activity, any vulnerabilities within Norfolk and Suffolk.

Taking into account the current security climate within the UK, no information (such as the citing of an exemption, which would confirm if information was held, or conversely, stating no information held) which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it would have an impact on a force's ability to monitor terrorist activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what information is placed into the public domain.

The cumulative effect of terrorists gathering information, from various sources, would have even more impact when linked to other information gathered from various sources about terrorism. The more information disclosed over time would give a more detailed account of the tactical infrastructure, of not only a force area, but also the country as a whole.

Any incident that results from such a disclosure would, by default, affect National Security.

Section 31 – factors favouring the confirmation or denial as to whether any other information is or isn't held

Confirming whether information exists relating to terrorism offences would lead to a better information public. This may encourage individuals to provide intelligence in order to reduce offences.

Section 31 – factors against the confirmation or denial as to whether any other information is or isn't held

Confirmation or denial as to whether information relating to terrorism offences is held, in this case, would suggest Norfolk and Suffolk Constabularies take their responsibility to protect information dismissively and inappropriately.

The Constabularies have a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world, that would undermine the security of the national infrastructure, offenders, including terrorist organisations, could use this to their advantage. This would compromise public safety and, more worryingly, encourage offenders to carry out further crimes.

By its very nature, information relating to whether or not terrorism related offences, have occurred within a specific force area, undoubtedly undermines the effective delivery of operational law enforcement.

Balance Test

The points above highlight the merits in confirming or denying whether any terrorism related offences have occurred within Norfolk or Suffolk. The Police Service is charged with enforcing the law, preventing and detecting crime, and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms, used to monitor any type of criminal activity, and specifically terrorist activity, would place the security of the country at an increased level of danger.

In addition, anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service. Therefore, at this moment in time, it is our opinion that, for these reasons, the balance test favours neither confirming nor denying whether any other information is or isn't held.

No inference should be taken from this response as to whether any other information does or doesn't exist.

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