



28th February 2020

Freedom of Information Request Reference N^o: FOI 000494/20

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 31st January 2020 in which you sought access to the following information:

I am writing to you under the Freedom of Information Act 2000 to request the following information, relating to cases of mistaken identity. I use the phrase 'mistaken identity' to include cases of misidentified people or wrongful arrests (based on identifying the incorrect person as the suspect, such as in this case - [Link to BBC News article](#)).

- 1 In the years 2017, 2018, 2019 the number of arrests made by your force based on mistaken identity, listed per year.
- 2 The amount of compensation paid in the years 2017, 2018, 2019 to people who had been arrested based on mistaken identity.
- 3 A brief description of each incident (the reason for arrest and outcome of the case)

If (3) will take too many man-hours to fulfil, please alter my request to respond to just (1) and (2).

If you believe any of these breach Section 40, I remind you that you can redact the names of individuals involved.

Response to your Request

The response provided below is correct as of 18th February 2020.

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

When responding to a request for information under the terms of the Freedom of Information Act, a public authority is not obliged to provide information if the authority estimates that the cost of the retrieval of the information requested would be in excess of £450 (equivalent to 18 hours work).

The costs criteria relates to a request in its entirety, which means that if we cannot retrieve all of the information requested within the costs limit, we are not obliged to retrieve *any* of the information requested.

The Norfolk and Suffolk Constabularies estimates that to retrieve all the information you have requested for both forces would exceed cost in excess of £450 (per force).

The Joint Professional Standards Department has undertaken research of public complaints, recorded 2017 to 2019. Complaints regarding wrongful arrests, due to mistaken identity, are not recorded in such a way that they are easily identifiable. These types of complaints would be recorded under the category 'Unlawful/unnecessary arrest or detention'.

During the period requested, there were 1236 complaints recorded in Norfolk and 947 in Suffolk. To provide an accurate response, it would be necessary to review each of these cases to identify any which are relevant to your request. Based on just 5 minutes each this would significantly exceed 36 hours.

This would therefore exceed the appropriate limit for dealing with a Freedom of Information request, in terms of costs, and therefore Section 12(1) of the Freedom of Information Act applies.

Section 12(1) of the Freedom of Information Act states that a public authority is not obliged to:

“...comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit”.

The Freedom of Information (Appropriate Limit and Fees) Regulations 2004, defines the ‘appropriate limit’ for the Norfolk and Suffolk Constabularies as £450 for each Constabulary, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for your request.

Advice & Assistance

Although excess cost removes the Constabularies obligations under the Freedom of Information Act, as a gesture of goodwill, we have supplied information, relative to your request, which was retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

The Joint Professional Standards Department has researched the complaints under the category ‘Unlawful/unnecessary arrest or detention’, using the keywords ‘mistake’ and ‘identity’. This has identified the following records:

NORFOLK

Year	Summary	Complaint Outcome
2017	The complainant was arrested for a driving offence. Very similar details to another individual.	The complaint was upheld
2018	The complainant was arrested for a sexual assault. The person arrested was not the person responsible and they were de-arrested.	The complaint was locally resolved

SUFFOLK – no records identified

Research has also been undertaken of claims made to the Constabularies.

No compensation claims have been paid by Norfolk Constabulary between 2017 and 2019.

Suffolk Constabulary has made one payment of £8000 in 2019. This was in relation to incorrect information recorded on the Police National Computer resulting in an individual being arrested.

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