



15th July 2020

Freedom of Information Request Reference N°: FOI 001657/20

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 15th May 2020 in which you sought access to the following information:

Please provide a complete list of all current police officers, to include:

- Collar/Badge Number
- Surname
- Forename
- Grade

Response to your Request

The response provided below is correct as of 19th May 2020.

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

Information is published regarding the officers in each neighbourhood. The links below can be used to retrieve the relevant details.

<https://www.norfolk.police.uk/your-area>

<https://www.suffolk.police.uk/your-area>

Under Section 21(1) of the Freedom of Information Act (2000), public authorities are not required to provide information that is reasonably accessible to the public by other means; in this case via the publication scheme, therefore in accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for this part of your request.

On the attached spreadsheet we have provided all of the requested details for officers that are in the rank of Chief Inspector and above. Additionally, we have provided the rank of all officers, below the rank of Chief Inspector. With regard to the officer's names and collar numbers, these have 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.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabularies, when refusing to provide information (because the information is exempt) are 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 exemptions:

- **Section 40(2) – Personal Information**
- **Section 31(1)(a)(b) – Law Enforcement**
- **Section 38(1) – Health & Safety**

Section 40 is an absolute class-based exemption and there is no requirement to consider the public interest.

Sections 31 and 38 are a qualified, prejudice-based exemptions and I am therefore obliged to articulate the harm in disclosure of the information and carry out a public interest test.

Section 40 is an absolute, class-based exemption and applies 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 General Data Protection Regulations (GDPR) 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 any individuals through the release of their personal data, even third part 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. It is defined by information relating to an identifiable living person who can be identified, directly or indirectly, by the disclosure of an identifier such as a name or an identification number.

Whilst a high number of officers are likely to be uniformed, public facing officers, there will also be a number of officers who would not expect their details to be disclosed under the Freedom of Information Act. With regard to requests asking for the personal details of personnel within an organisation, the Information Commission Office has published the following guidance:

"It is reasonable to expect that you disclose more information about senior public authority employees than more junior ones. Senior employees should expect their posts to carry a greater level of accountability, since they are likely to be responsible for major policy decisions and the expenditure of public funds. For example, a junior employee who is not accountable for their submissions to a senior government minister has no expectation that their name will be disclosed in response to an FOI request. Decision notice [FER0409841](#) upholds this stance.

However, the terms 'senior' and 'junior' are relative. It is not possible to set an absolute level across the public sector below which personal information is not released. It is always necessary to consider the nature of the information and the responsibilities of the employee in question.

It may also be fair to release more information about employees who are not senior managers but who represent your organisation to the outside world, as a spokesperson or at meetings with other bodies. This implies that the employee has some responsibility for explaining the policies or actions of your organisation. However, it does not apply simply because an employee deals with enquiries from the public or sends out material produced by others."

Principle (a) of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. Lawfulness refers to occasions where disclosure would breach statute or common law obligations.

FOIA disclosures are to the world, as a whole, and will remain in the public domain indefinitely. The Constabularies have a duty to ensure that the Data Protection Act is not breached as a result of a disclosure under the Freedom of Information Act. Whilst officers may be currently employed by the Constabularies, the list would not be further reviewed to ensure that any names are

removed once they leave the service. Additionally, this exemption links in with section 31, where there is a requirement to ensure that officer's identities are protected so as not to compromise any future sensitive or covert operations.

The Constabularies consider that the transparency element has been met by the provision of the information attached.

It is for these reasons I feel that the principle would be breached by the disclosure and the section 40 exemption is appropriate in this case. I am not obliged to consider any further principle in my arguments.

This is an absolute, class-based exemption and, as such, there is no requirement to consider a public interest test.

Sections 31 & 38

Harm

Disclosure of information under the Freedom of Information Act is considered to be a release of information to the world, because once released, it will be published on the Constabularies' websites. The Constabularies have no control over who has access to that information. Whilst not questioning an applicant's motives for requesting information, careful consideration has to be given with regard to what personal information is placed into the public domain.

Disclosing details of officer's who are, or may later be in covert or sensitive roles, would impact on the Constabularies ability to fulfil its core function which is the prevention and detection of crime and maintain public safety.

Section 31 - Factors favouring disclosure

Openness and transparency are fundamental aspects of the Freedom of Information Act. Disclosing the information would ensure that the public are in possession of the current officer details at this time.

Section 31 - Factors against disclosure

There will be officers who work, or may work in the future, in covert or sensitive roles. Providing officers' names would therefore hinder the Constabularies' law enforcement ability. This would impact on current and future investigations and operations, resulting in the need for increased resources. This would place the safety of those officers at risk and could result in further offences being committed.

Section 38 – Factors favouring disclosure

Increased public knowledge of officers employed by the Constabulary, which would allow for accurate public debate. There would be an increase in public confidence by having the names of officers.

Section 38 – Factors against disclosure

Disclosing the names could place the individuals, and potentially their families, at risk as it would identify that they are police officers within Norfolk.

Balance Test

Consideration has been given to how the public interest would be enhanced by releasing all of the officer's names. There is a public interest in the number of officers, along with gender and ethnic breakdown. In this case the public interest is already met by the proactive disclosure via the publication strategy, where workforce data is published quarterly.

Where officers are in, or may be in the future, employed in covert or sensitive roles, providing their details would impact on the Constabularies' law enforcement function and place officers at risk of

harm. The Constabularies have a duty to ensure officer safety is not compromised and this has to be a consideration when processing requests under the FOIA.

For these reasons, the names of officers, below the rank of Chief Inspector, have not been provided. Therefore, at this time, the balance lies in non-disclosure by virtue of the exemptions at sections 31 and 38.

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