



## Freedom of Information Request Reference N°: FOI 001778-19

I write in connection with your request for information received by Suffolk Constabulary on the 13 May 2019 in which you sought access to the following information:

*"I'd like to know how many Revenge Porn offences your force has recorded since it was made illegal?"*

*Can you list each offence by the date it was recorded, including with each log the sex and age of the victim, whether anyone was arrested and whether anyone was charged?"*

### Response to your Request

The response provided below is correct as of 31 May 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 offences recorded of 'Disclose private sexual photographs and films with intent to cause distress' since the offence was introduced in 2015.

The information provided within the attached spreadsheet confirms the total number of offences reported to the Constabulary, including the year, victim's age and gender, whether any person was arrested and the outcome.

To ensure the victims anonymity is retained, the date on which the offence was recorded has not been supplied. The provision of even the date on which an offence was recorded, will enable an individual to identify their involvement or a third parties involvement of the offence.

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 40 is 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.

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 directly or indirectly 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 date the offences were recorded coupled with the victims gender and age details.

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.



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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.

***Police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this force's response to your questions should not be used for comparison purposes with any other response you may receive.***

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.



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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](mailto: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](http://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