



## Freedom of Information Request Reference N<sup>o</sup>: FOI 001793-18

I write in connection with your request for information received by Norfolk and Suffolk Constabularies on the 21 May 2018 in which you sought access to the following information:

*“The date, and outcome (i.e. arrest, charge, not enough evidence) of every individual incident of modern slavery (Offence Code 106) recorded by your force for the location category ‘on or near Supermarket’. Please include the longitude and latitude for each recorded incident for the calendar years 2016, 2017, and to date in 2018.”*

### Response to your Request

The response provided below is correct as of 31 May 2018

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

Suffolk and Norfolk Constabularies crime system does not have a location field of ‘On or Near Supermarket’.

A search has been completed of the Constabularies crime system Athena, for all offences recorded that relate to the Modern Day Slavery Act, for the 2016 – 2018 calendar years (to date).

The data was filtered to only include those offences where the premise type is ‘not recorded’. A manual review of each offence was then undertaken to establish whether the offence occurred in the vicinity of a shop or supermarket.

A total of 3 offences were located where the location was in or near a shop, the response was a nil return for supermarkets.

The longitude and latitude for these offences has not been provided as a result of exemptions within the Act.

Force	Year	Total
Norfolk	2016	1
	2018	1
Suffolk		1

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (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 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 exemptions;

**Section 30(1)(a) – Investigations**

**Section 31(1)(a)(b) – Law Enforcement**

**Section 40(2) – Personal Information**

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 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 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 not be processed if it resulted in their identification, or equally led to an individual being wrongfully identified as a suspect.

FOIA disclosures 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.

It is for these reasons outlined above; that I feel the principle would be breached by this disclosure and the Section 40 exemption remains in place. 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 the public interest test.

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

Section 31 is a qualified and prejudice based exemption and I am therefore obliged to consider the harm in disclosure and conduct a public interest test.

### **Evidence of Harm**

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those who plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved, must be the overriding consideration.

Providing the specific longitude and latitude of an offence will provide by pin point accuracy, where the offence was committed. The subject of modern day slavery is extremely emotive and to release information that would identify the location of such offences will invariably identify an individual and risk further crime being committed.

### **Public Interest Test**

(When applying a qualified exemption a public authority is required to consider whether 'in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information')

### **Favouring Disclosure – Section 30**

Investigations are expensive and use the resources provided from public funds. To disclose information about such cases would show to the public how we spend their money.

Such information would provide the general public with an understanding that we take such matters seriously and we ensure all offences are investigated thoroughly.

### **Favouring Non-Disclosure – Section 30**

Information that relates to an investigation will rarely be disclosed under the FOI Act. By doing so we could risk prejudicing this and future like investigations by providing vital information that could provide a tactical advantage over the Constabulary.

Where suspects, witnesses or the victim provides information through the course of the investigation, it is done so in the strictest of confidence for the purpose of which it was required. Provision of information that may identify an individual to the general public would breach that confidentiality, impeding any future assistance that individual can provide.

The subject of modern day slavery is extremely sensitive and the Constabulary must ensure that the investigation is carried out with integrity. A disclosure of this nature including the location of the offence could identify individuals and potentially create further concerns for the victims.

We are law enforcers and we aim to provide a sufficient and positive approach to the way we conduct our investigations, we would not want a disclosure of this nature to compromise this in any way.

#### Favouring Disclosure – Section 31

Provision of the information will provide the public with a better understanding of this type of offence, including the prevalence of such crimes within the county.

There is a public interest in the community being made aware of all the facts relating to this area of policing in order to ensure complete openness and transparency

#### Favouring Non-Disclosure – Section 31

Disclosure of the specific location of an offence, even though these are not domestic settings, will invariably identify individuals and may even lead to the mis-identification of persons involved with offences, both suspects and victims. Equally, it could lead to individuals feeling exposed to repercussions.

#### Balancing Test

In certain cases there will be a strong public interest in disclosing this information if to do so would have a positive effect on core policing purposes. There is always a public interest in the provision of information that will identify where funds are being spent and that the Constabulary is effectively investigating offences.

The timing of the request is crucial in the application of Section 30 and it is recognised that the exemption will not necessarily be applicable once the investigation has been finalised. However, until such a time that this occurs, or it is publically acknowledged by the Constabulary that such investigations are ongoing, it cannot be considered in the best interests of the public to release information at during the investigation. There is a strong public interest in preserving the integrity of investigations and ensuring that individuals have confidence in approaching the Constabulary with any concerns they may have.

As much as there is a public interest in knowing that the delivery of law enforcement is appropriate and balanced, this will only be overridden in exceptional circumstances. Public safety is of paramount importance and any information which would place individuals at risk, is not in the

public interest. The effective delivery of operational law enforcement is crucial and of paramount importance to the Constabularies.

Having weighed up the factors favouring disclosure and those favouring non-disclosure, I have decided that the balance lies with non-disclosure.

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/>

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 20 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 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](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