



Freedom of Information Request Reference N°: FOI 002250-19

I write in connection with your request for information received by Suffolk Constabulary on the 17 June 2019 in which you sought access to the following information:

1. *“Since 1980 to present date, I would like to know the number of missing persons presumed murdered, their names, their age, gender, area (postcode), ethnicity, whether the victim was considered vulnerable, the victims employment status and profession, an explanation of why the case is considered homicide, how long the person has been missing, whether a suspect has been prosecuted and, if so, were they convicted? If not, is the case reviewed regularly? Are you currently investigating any no-body murders?”*
2. *“Since 1980 to present date, I would like to know the number of missing persons who have been missing for more than one year, their names, their age, gender, area (postcode), ethnicity, whether the victim was considered vulnerable, the victims employment status and profession, how long the person has been missing and whether the case is reviewed regularly or not.”*

Response to your Request

The response provided below is correct as of 19 June 2019

Suffolk Constabulary has considered your request for information and the response is below.

1. The information provided in the table below confirms the total number of missing person investigations recorded by the Constabulary during this time frame, that were or are, the subject of a homicide investigation.

	Name of missing person	Age when missing	Considered Vulnerable?	Profession	Last reviewed	Missing since	Prosecution	Why considered Homicide?
1.	Luke Durbin (M) Woodbridge	19	No		2017	12 May 2006	No.	Circumstance of disappearance
2.	Ian Halls (M)	64	No	Retired librarian	N/A	Jan 2004	Yes-Michael Harvey - Murder	Forensic evidence recovered.
3.	Lillian Wright (F)	55	No	Shop worker	2018	16 April 1980	No.	Circumstance of



								disappearance
4.	Amanda Duncan	26	?	Sex worker	2018	2 July 1993	No	Circumstance of disappearance
5.	Sylvia Stuart	69	No	Retired Clerk	2016	June 2016	Yes- Ali Qazimaj – Murder x2	Forensic and other evidence.

Further details concerning Luke Durbin, Amanda Duncan and Sylvia Stuart can be found via the following link:

<https://www.suffolk.police.uk/news/missing-persons>

<https://www.suffolk.police.uk/news/missing-persons/sylvia-stuart>

Lillian Wright – Last seen alive at Lovewell Road, Lowestoft, Suffolk. Missing person but has been investigated as a homicide investigation; to date no person has been charged.

There are no current 'no body' murder investigations in Suffolk.

- Information concerning all missing person cases recorded where the person remains missing, is provided below. Please note that information requested concerning missing person investigations includes personal information of the missing person. The Constabulary therefore must assess each case to establish the reasonable expectation of the missing person and their respective families with regards to the release of such information. This is particularly important when considering the release of information that has not previously been in the public domain via official Constabulary press releases. It is for those cases that we consider the families wishes and whether there would be a public interest in the information being disclosed at this time, as a result of a FOI request.

A large majority of the families have requested privacy, and some cases remain live investigations, the Constabulary would therefore not wish to disclose the personal details of missing people, identifying their families in the process, if it is against their express wishes. This is particularly more relevant where there has been no publicity at any time concerning these persons. The Constabulary investigates these cases regularly and will not disclose information that may impede our investigations or go against the express wishes of the families.

Information that is not included has been omitted as a result of exemptions within the Act.



Please note that all cases are regularly reviewed by the Norfolk and Suffolk Major Crime Review Team.

The information provided has been extracted from the missing persons database COMPACT and the Holmes system, some data is not present within the files and has not been included within the response below.

The information identified with 'Exempt 40' has not been provided as a result of exemptions within the Act.

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;

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, 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.



Principle (a) of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. When considering this principle, we first consider the lawfulness aspect in the disclosure of the officer's names or epaulettes. Lawfulness refers to occasions where disclosure would breach statute or common law obligations.

In this case we consider the Human Rights Act 1998. Third party individuals would have an expectation that any information supplied to the Constabulary would be done so in confidence and not further disclosed under FOI responses. The Constabulary considers it would be in breach of the Human Rights Act by disclosing details that may identify them and therefore disclosure would not be lawful. Although these persons have been missing for more than a year, the Constabulary still has to consider their reasonable expectations and the express wishes of the families. The families have previously expressed concern of information being published and the Constabulary, unless there are any specific policing purposes for disclosing information, will ensure those wishes are respected.

There was no public disclosure at the time the persons went missing and the expectation of all concerned would be that a disclosure would only be made where there were a specific policing purpose. FOI is a legislative requirement that considers the public interest arguments for disclosure, that public interest is not what interested the public generally, but that would have a beneficial impact or no adverse consequences, should that information be disclosed.

With regards to the fairness aspect, the processing of information should be in a manner that individuals would reasonably expect, not in a way that could result in unjustified adverse effects on them. In this case, the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification. Disclosure of this nature can equally lead to an individual being misidentified from the disclosure. The Constabulary has a duty to ensure data is processed in accordance with Data Protection Legislation. We feel in this occasion, it would not be fair to process this data outside of usual policing processes.

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.



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Name of missing person	Age when missing	Area	Risk Level / vulnerable	Date missing
Exempt Section 40			MEDIUM	17/04/1999
Exempt Section 40		Reydon	MEDIUM	30/10/1988
Exempt Section 40		Ipswich	LOW	29/09/1974
Exempt Section 40		Bury St Edmunds	MEDIUM	14/03/1996
Exempt Section 40		Falmouth	MEDIUM	21/12/2006
Exempt Section 40			MEDIUM	21/09/1980
Exempt Section 40		Carlton Colville	LOW	08/03/1999
Exempt Section 40			MEDIUM	12/08/1986
Exempt Section 40			MEDIUM	15/09/1978
Exempt Section 40		Egypt	LOW	21/10/1995
HOY, Andrew		Aldeburgh		22/11/1998
Exempt Section 40		Rumburgh	LOW	18/01/1992
Exempt Section 40		Whitby	MEDIUM	26/2/1991
Exempt Section 40			MEDIUM	11/05/1984
Exempt Section 40		Ipswich	LOW	16/11/2003
Exempt Section 40			LOW	25/09/2006
Exempt Section 40		North Sea	MEDIUM	19/10/2002
Exempt Section 40		Ipswich	LOW	13/12/1977
Exempt Section 40	15	East: Halesworth	No Assessment	12/09/2012
Exempt Section 40	12	West: Sudbury & Haverhill	No Assessment	22/06/2014
FRANCKEISS, David	79	East: Halesworth	Yes	09/11/2012
Exempt Section 40	16	Ipswich: Ipswich Central	Medium	26/06/2014
Exempt Section 40	16	Ipswich: Ipswich Central	Medium	26/06/2014
Exempt Section 40	16	Ipswich: Ipswich Central	Medium	26/06/2014
Exempt Section 40	16	Ipswich: Ipswich Central	Medium	02/07/2014
Exempt Section 40	28	East: Lowestoft	Yes	08/01/2015
Exempt Section 40	39	West: Stowmarket	Yes	11/03/2015
Exempt Section 40	44	Ipswich: Ipswich Central	Medium	28/10/2015
Exempt Section 40	66	Ipswich: Ipswich East	Medium	21/09/2016
MUSTAFA, Armir Sokol	17	Ipswich: Ipswich Central	Medium	11/12/2017
Exempt Section 40	26	Ipswich: Ipswich East	Medium	08/12/2016
Exempt Section 40	15	Ipswich: Ipswich Central	Medium	14/08/2017
Exempt Section 40	Exempt S40	Ipswich: Ipswich Central	Medium	15/06/2018
Exempt Section 40	Exempt S40	Ipswich: Ipswich Central	Medium	15/06/2018
Exempt Section 40	68	East: Lowestoft	Low	22/08/2012
KEEN, Gerard	81	East: Lowestoft	Yes	28/10/2015
Exempt Section 40	39	Ipswich: Ipswich Central	Low	12/04/2013
Exempt Section 40	23	West: Bury St Edmunds	Low	18/06/2013
JESUS, Paulo	34	West: Mildenhall	Low	06/03/2014



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PORTER, Martin Adrian	49	West: Stowmarket	Low	26/04/2015
Exempt Section 40	74	Ipswich: Ipswich West	Low	14/12/2015
Exempt Section 40	25	West: Mildenhall	Low	24/12/2015
Exempt Section 40	37	East: Lowestoft	Low	15/04/2016
Exempt Section 40	20	Ipswich: Ipswich Central	Low	20/03/2018
Exempt Section 40	13	East: Lowestoft	High	27/07/2015
WOOD, David	61	Ipswich: Ipswich East	High	17/08/2016
MCKEAGUE, Corrie	23	West: Bury St Edmunds	High	26/09/2016
TONKIN, Terrence	67	East: Lowestoft	Yes	28/08/2017
QADIR RASUL, Alan	15	East: Lowestoft	High	03/10/2017

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*

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 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