



16th July 2019

Freedom of Information Request Reference N^o: FOI 002275/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 18th June 2019 in which you sought access to the following information:

01/04/18 to 31/03/19

PROFILES

Part 1

- 1 The total number of Islamophobic hate crimes which were recorded between April 2018-2019, broken down by months.
- 2 Further to question 1, of these please provide the following data for the victim(s) involved in the case:
 - A please could you include a breakdown of the data by gender for each month;
 - B please could you include a breakdown of the data by age for each month;
 - C please could you include a breakdown by ethnicity for each month.
- 3 Further to question 1, of these please provide the following data for the suspect(s) involved in the case:
 - A please could you include a breakdown of the data by gender for each month;
 - B please could you include a breakdown of the data by age for each month;
 - C please could you include a breakdown by ethnicity for each month.

Part 2 (Race)

- 4 The total number of race hate crimes which were recorded between April 2018-2019, broken down by months.
- 5 Further to question 1, of these please provide the following data for the victim(s) involved in the case:
 - A please could you include a breakdown of the data by gender for each month;
 - B please could you include a breakdown of the data by age for each month;
 - C please could you include a breakdown by ethnicity including those where ethnic identity was not specified or not recorded. Please ensure the 'Asian' category has a breakdown by Pakistani and Bangladeshi victims.
- 6 Further to question 1, of these please provide the following data for the suspect(s) involved in the case:
 - A please could you include a breakdown of the data by gender for each month;
 - B please could you include a breakdown of the data by age for each month;
 - C please could you include a breakdown by ethnicity including those where ethnic identity was not specified or not recorded. Please ensure the 'Asian' category has a breakdown by Pakistani and Bangladeshi victims.

MOSQUES

- 7 The total number of Islamophobic hate crimes which were recorded between April 2018-2019 and where the primary, or secondary, location tag was 'mosque' (or any other religious institution tag that describes a building used by the Muslim

communities for, but not limited to, worship). Please provide this information broken down by months.

- A Examples of locations tag include, but may not be limited to: Mosque, Madrasa, Islamic Schools, Islamic Prayer rooms.
- 8 Further to question 1, of these please provide information on the types of criminal acts which occurred, broken down by months (e.g. vandalism, arson, harassment, etc.).
- 9 Further to question 1, of these please provide the name of the city/town/village where each attack occurred. Grouping data under one category for each month is fine.
- 10 Further to question 1, of these please provide the following data for the suspect(s) involved in the case:
- A please could you include a breakdown of the data by gender for each month;
- B please could you include a breakdown of the data by age for each month;
- C please could you include a breakdown by ethnicity.

Types of abuse and case outcome:

- 11 The total number of Islamophobic hate crimes which were recorded between April 2018-2019, broken down by months.
- 12 Further to question 1, of these please provide a breakdown of the types of criminal acts which occurred, broken down by months (e.g. vandalism, arson, harassment, etc.).
- 13 Further to question 1, of these please provide information on how many were passed onto the Crown Prosecution Service, broken down by months.
- 14 Further to question 1, of these please provide the number of cases where no further action was taken due to lack of evidence, broken down by months.
- 15 Further to question 1, of these please provide the number of cases where no further action was taken due to the victim's choice, broken down by months.
- 16 Further to question 1, of these please provide the number of cases that lead to community resolution, broken down by months.

Types of abuse and case outcome (race-hate crimes):

- 17 The total number of race hate crimes which were recorded between April 2018-2019, broken down by months.
- 18 Further to question 1, of these please provide a breakdown of the types of criminal acts which occurred, broken down by months (e.g. vandalism, arson, harassment, etc.).
- 19 Further to question 1, of these please provide information on how many were passed onto the Crown Prosecution Service, broken down by months.
- 20 Further to question 1, of these please provide the number of cases where no further action was taken due to lack of evidence, broken down by months.
- 21 Further to question 1, of these please provide the number of cases where no further action was taken due to the victim's choice, broken down by months.
- 22 Further to question 1, of these please provide the number of cases that lead to community resolution, broken down by months.

Response to your Request

The response provided below is correct as of 10th July 2019.

Norfolk and Suffolk Constabularies have located the attached information as relevant to your request. Please note with regard to questions 19 to 22, crime outcomes have been provided. It is not possible to confirm the number referred to the CPS.

The number of crimes relating to Islamophobia is very low, therefore the victim and suspect details have not been provided by month, as this could lead to the identification of specific investigations and individuals. The exemption at section 40, Personal Information, has been engaged.

- **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. The information pertains to special category data owing to the fact it relates to information concerning investigations, which could identify a person's involvement with an offence. Lawfulness refers to occasions where disclosure would not breach statute or common law obligations.

In this case we consider the Human Rights Act 1998. Individuals, including victims of crime, would not expect their details to be processed in response to an FOI request, which may inadvertently identify their involvement with an offence. The provision of the requested details would significantly increase the likelihood of individuals being identified due to the level of information already provided in the response. The Constabulary therefore considers it would be in breach of their Human Rights Act by disclosing these details which may identify those involved and therefore disclosure would not be lawful.

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. 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.

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