



28<sup>th</sup> November 2019

## **Freedom of Information Request Reference N<sup>o</sup>: FOI 003948/19**

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 31<sup>st</sup> October 2019 in which you sought access to the following information:

Please send a copy of any data-sharing agreement, arrangement or memorandum of understanding relating to the transfer of personal data between Norfolk/Suffolk Constabulary and the Home Office with respect to:

- 1 victims,
- 2 witnesses,
- 3 perpetrators of crime,
- 4 people with whom the police otherwise interact.

### **Response to your Request**

The response provided below is correct as of 4<sup>th</sup> November 2019.

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

The following and attached documents have been identified as relevant to your request. Where documents are already published, links have been provided and section 21 engaged.

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; therefore in accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for these parts of your request.

Protocol to ensure the provision of forensic pathology services in the event of regulatory action taken by the Human Tissue Authority in England and Wales

[https://www.hta.gov.uk/sites/default/files/ACPO\\_HTA\\_Home\\_Office\\_protocol\\_to\\_ensure\\_forensic\\_pathology\\_services\\_0.pdf](https://www.hta.gov.uk/sites/default/files/ACPO_HTA_Home_Office_protocol_to_ensure_forensic_pathology_services_0.pdf)

Information Sharing for Community Safety

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97842/guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97842/guidance.pdf)

National – Code of Practice on the management of information shared by the Border and Immigration Agency, HMRC and the Police

<https://www.statewatch.org/news/2008/may/uk-cop-data-share-borders.pdf>

Common Law Police Disclosure – Guidance for employers and regulatory bodies

<https://www.bl.uk/britishlibrary/~media/bl/global/social-welfare/pdfs/non-secure/c/o/m/common-law-police-disclosure-guidance-for-employers-and-regulatory-bodies.pdf>

Information Sharing with Police S50A SVGA 2006 DBS (attached)

Joint National Protocol – Supervision, Revocation and Recall for Offenders Released on Licence (attached)

MOU between The Home Office, NPIA & ACPO on use or supply of information received onto the Home Office Data Hub (attached)

ISA between ACPO, ACPO (Scotland) and UKBA (attached)

MOU between ACPO and UKBA (attached)

MOU between The UK Passport Service and ACPO and ACPO (Scotland) (attached) (redacted)

Names and contact details have been removed from the document and section 40(2) Personal information engaged.

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 such information (because the information is exempt) is 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 Data**

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

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. 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. A name would therefore be considered relevant to this definition.

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. Lawfulness refers to occasions where disclosure would breach statute or common law obligations.

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.

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](mailto: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](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