



SUFFOLK CONSTABULARY

FREEDOM OF INFORMATION REQUEST

REQUEST NUMBER: FOI Request 004284-17

REQUEST DETAILS:

1. *"The number of still missing females aged 10 to 40 years old that originally went missing up to 2006. Please state the earliest date that your records begin.*
2. *Their name*
3. *Age (when they went missing)*
4. *Where they are from (roughly)*
5. *Where they were last seen*
6. *Date when they went missing"*

RESPONSE:

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

This response is correct as of 22 March 2017

The Constabulary has interpreted the request to relate to all females who were aged between 10 and 40 at the time the missing persons report was recorded by the Constabulary.

A search has been completed of the Constabulary's missing persons database, COMPACT for all females reported missing in the years prior to 2007 and in accordance with the above interpretation.

There are a total of three females still missing, who were aged between 10 and 40 years old when they originally went missing up to 2006. The details of whom are as follows:

Female 1

2005 Historical entry of long term misper paper report

Age when went missing: 37

Missing from: Ipswich

Where last seen: Ipswich

Date they went missing: 13/12/1977

Female 2

Age when went missing: 18

Missing from: Ipswich

Where last seen: Ipswich

Date they went missing: 29/07/2004



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Female 3

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 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 exemption(s);

Section 21(1) - Information reasonably accessible by other means

Information concerning the third missing female is available on the Constabulary's website, via the following link:

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

The names of females one and two have not been provided as a result of exemptions within the Act.

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.

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- (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 Data

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 Data Protection Principles contained within the Data Protection Act 1998.



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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 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.

The first Data Protection principle states that information must be processed fairly and lawfully, and that at least one condition of schedule (2), and in the case of personal sensitive data, schedule (3) are met. In this case the individuals and their families would have a reasonable expectation that their personal details will not be further processed outside of what is considered reasonable by a Public Authority. Suffolk Constabulary will periodically disclose personal details of missing persons in an effort to try and establish their location. This is done via official Constabulary press releases, which provide a basis for Suffolk Constabulary to disclose information in respect missing individuals, where there is genuine concern for that individual's welfare. These disclosures are done for a specific Policing purpose and are only in the public domain for a period of time adequate to that purpose.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, to name those persons who are currently missing but have not seen any public disclosure in relation to their case would surpass the expectations of the individuals and their family.

Additionally, whilst it may be seen in the public interest to release the names of those missing, in order to assist and identify where the missing individual is. This will not apply in all cases and we would be in breach of the Data Protection Act if we released personal information, such as their names, without due regard to the missing person and their families.

We must consider whether it would be proportionate and fair to that individual if their name were disclosed under FOIA. Suffolk Constabulary owes a Duty of confidentiality and a duty of care to those persons who have previously been reported as missing and have subsequently been found, or who are still missing but their identities have not been disclosed in press statements. It is for these reasons outlined above, that I feel the first data Protection 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.