

**Freedom of Information Request Reference N°: FOI 004789-17**

I write in connection with your request for information received by Suffolk Constabulary on the 2 May 2017 in which you sought access to the following information:

- a) *“Please could you provide me with the name, age, alleged offence, location of alleged offence, year of offence and police photo of the 15 criminals who have been wanted for the longest period of time by Suffolk Constabulary.*
- b) *How many outstanding arrest warrants does Suffolk Constabulary currently have?*
- c) *Please can you state for (b) the offence the arrest warrant is for and when the arrest warrant was issued?”*

**Response to your Request**

The response provided below is correct as of 2 May 2017.

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

A search has been completed of the Constabulary’s PNC data for all persons reported as wanted by the police. A further search has been undertaken to extract those persons who have been wanted for the longest period of time.

***Please be aware that the information is correct only at the time of compilation as the information is dynamic and will change on a continual basis.***

Considering the number of persons wanted on warrant (which excludes wanted for arrest), the total number of wanted reports on the Police National Computer (PNC), is 198. This information relates to a total of 193 unique person entries. The information provided on the attached spreadsheet confirms the reported date and offences for each entry.

The following subjects are the current longest standing wanted persons by Suffolk Constabulary. The data includes those wanted on warrant and wanted on arrest. The photograph of Stephen MacKay is attached for reference.

No.	Name	Photo	Location	Offence Detail		Year of Birth
				Offence	Year	
1	<b>Section 40</b>	Not Held	Newmarket	DRUGS - SUPPLY/USE/MANUFACTURE	1993	1969
2	<b>Section 40</b>	Not Held	Ipswich	INDECENT ASSAULT	1994	1970
3	<b>Section 40</b>	Not Held	Not recorded	SMUGGLING	1994	1960
4	<b>Section 40</b>	Not Held	Ipswich	THEFT	1996	1966

5	<b>Section 40</b>	Not Held	Stowmarket	DECEPTION	1997	19/59
6	<b>Section 40</b>	Not Held	Ipswich	SERIOUS ASSAULT	1997	1971
7	<b>Section 40</b>	Not Held	Ipswich	DRUGS - SUPPLY/USE/MANUFACTURE	1998	1948
8	Stephen MacKay		Great Cornard	SERIOUS ASSAULT / MURDER	1999	1970
9	<b>Section 40</b>	Not Held	Ipswich	RAPE	1999	1980
10	<b>Section 40</b>	Not Held	Lowestoft	INDECENT ASSAULT	2002	1959
11	<b>Section 40</b>	Not Held	Ipswich	DRUGS - SUPPLY/USE/MANUFACTURE	2002	1984
12	<b>Section 40</b>		Ipswich	THREATS TO KILL	2002	1969
13	<b>Section 40</b>		Mildenhall	SERIOUS ASSAULT	2003	1980
14	<b>Section 40</b>	Not Held	Bury St Edmunds	THEFT	2003	1966
15	<b>Section 40</b>	Not Held	Ipswich	THREATENING BEHAVIOUR	2003	1979

Where exemptions have been applied, the name of the person wanted by the Constabulary has not been disclosed. These exemptions are highlighted in bold within the relevant field.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk, 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(s);

**Section 40(2)(a)(b) – Personal Data by virtue of S40(3)(a)(i)**  
**Section 44(1)(a) – Prohibitions on Disclosure**

Section 40 and 44 are absolute class based exemptions and there is no requirement for the Constabulary to undertake a public interest test.

Information that will, or could lead to, the identification of an individual 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.

By law, all victims of rape and other sex crimes, including children, are automatically guaranteed anonymity for life from the moment they make a complaint that they are the victim of a sex crime. This anonymity was once given only to victims of rape however; the Sexual Offences Act 1992 extends to victims of most other sexual offences. Therefore, it is the duty of the Constabulary to ensure this anonymity is not breached by a perceived risk of identification.



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.

Recent ICO (Information Commissioners Office) guidance confirms that requests for information need to be assessed on a case-by-case basis. "Any request for information under the Freedom of Information Act should be assessed on a case by case basis in order to determine which, if any, exemptions may apply to the information. When a requester asks for information which includes someone else's personal data, consideration needs to also be given to the data subject's rights to privacy and whether the disclosure would be fair and comply with the data protection principles."

The Constabulary considers that the provision of a name is sensitive personal data and the likelihood of an individual, including the victim, being identified from such a disclosure is extremely high.

It can be argued that the provision of this information is warranted, as these individuals are wanted by police and in order for the public to assist in their location, they would require the disclosure of relevant information.

That said, consideration still needs to be given as to whether any such disclosure would be in breach of the Data Protection Principles.

The only principle likely to be breached by FOI disclosures is principle one, which states: Information shall be disclosed fairly and lawfully and at least one of the conditions in schedule 2 is met and, for sensitive personal data, at least one of the conditions in schedule 3 is also met.

Most of the conditions in Schedules 2 and 3 are not relevant to FOIA disclosures. The Schedule 2 condition most likely to be relevant is that at point 6:

*"The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject".*

The condition at paragraph 6 of DPA Schedule 2 is often seen as being similar to a public interest test.

The publication of a name of wanted persons is managed by the Constabulary's Corporate Communications Department in a controlled manner and in accordance with the Crime and Disorder Act. People will usually only be named as wanted for specific offences before charge in exceptional circumstances, where it is deemed that public safety is at risk and/or there is a real



risk of re-offending. That said, in cases where a charge has been made, the Corporate Communications Department will consider release of a name.

However, the provision of such information under the Freedom of Information Act is uncontrolled and will remain in the public domain indefinitely. The Constabulary's need to be certain that disclosure has a clear policing purpose which in doing so, ensures that the Data Protection and Human Rights Acts are not prejudiced by any such disclosure.

The individual cases have been listed in turn below, with relevant arguments provided as to why this information should not be disclosed under FOIA. With particular reference to the following:

- The passage of time
- The perceived current risk to the public
- Whether the individual is suspected as being abroad
- The nature of the offence

It is also worthy to note that such disclosures must be warranted for a policing purpose, as opposed to information which simply is of interest to the public. Consequently, if at the time, it was not deemed necessary to publicise the individual names, disclosure is unlikely, many years on, to now satisfy that purpose. It is worthy to note that the consideration of the public interest will vary as and when changes occur.

#### Wanted Person (1)

The individual in question has been wanted on PNC for a drug offence dating back to 1993. The public interest is therefore lessened by the fact this individual does not pose a significant risk to the public, if we consider 14 years have elapsed since the offence took place.

Although it can be argued that the provision of a name may assist the police in locating the individual, the case received no media attention and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information under FOI. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (2)

The individual in question has been wanted on PNC for an indecent assault dating back to 1994. The public interest is therefore lessened by the fact this individual does not pose a significant risk to the public, if we consider 23 years have elapsed since the offence took place.

It must be remembered here that victims of sexual assaults are given a degree of anonymity under the SOA 2003, which should also be a consideration when deciding whether the disclosure of the individuals name is suitable at this time.

Although it can be argued that the provision of a name may assist the police in locating the individual, the case received no media attention and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information under FOI. There is little or no,



policing purpose in the disclosure of this information at this time, especially considering the individual is expected to be abroad.

No photo is held

#### Wanted Person (3)

The individual in question has been wanted on PNC for a smuggling offence dating back to 1994. The public interest is lessened by the fact that the individual is not perceived to pose a significant risk to the public, if we consider that 23 years have elapsed since the offence took place.

There was no media coverage at the time of the offence, so it would not be deemed beneficial to any ongoing investigation to disclose information now after the lengthily passage of time, which decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (4)

The individual in question has been wanted on PNC for theft dating back to 1996. The public interest is therefore lessened by the fact this individual does not pose a significant risk to the public, if we consider 21 years have elapsed since the offence took place.

Additionally, the offence did not at the time, warrant any further media coverage. The passage of time which has elapsed only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (5)

The individual in question has been wanted on PNC for deception dating back to 1997. The public interest is therefore lessened by the fact this individual does not pose a significant risk to the public, considering 20 years have elapsed since the offence took place.

Additionally, the offence did not at the time, warrant any further media coverage. The passage of time which has elapsed only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (6)



The individual in question has been wanted on PNC for a serious assault dating back to 1997. The public interest is therefore lessened when considering 20 years have elapsed since the offence took place.

We additionally are required to consider the wishes of the victims in this scenario, and it cannot be presumed that a disclosure at this stage would be of any benefit to them.

Additionally, the offence did not at the time, warrant any further media coverage. The passage of time which has elapsed only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (7)

The individual in question has been wanted on PNC for drug offences dating back to 1998. The public interest is therefore lessened by the fact this individual does not pose a significant risk to the public, especially if we consider 19 years have elapsed since the offence took place.

Additionally, the offence did not at the time, warrant any further media coverage. The passage of time which has elapsed only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (8)

All disclosed

#### Wanted Person (9)

The individual in question has been wanted on PNC for Rape dating back to 1999. The public interest is therefore lessened by the fact the risk posed to the public is lessened considering the time that has elapsed since the offence took place.

It must be remembered here that victims of sexual assaults are given a degree of anonymity under the SOA 2003, which should also be a consideration when deciding whether the disclosure of the individuals name is suitable at this time.

Additionally, this individual is presumed to be abroad and the circumstances of the offence did not at the time, warrant any further media coverage. The passage of time which has elapsed only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (10)



The individual in question has been wanted on PNC for indecent assault dating back to 2001. The public interest is also lessened by the fact this individual is known to be in another country. If we consider that 14 years have elapsed since the offence took place, the public interest in disclosure is reduced.

It must be remembered here that victims of sexual assaults are given a degree of anonymity under the SOA 2003, which should also be a consideration when deciding whether the disclosure of the individual's name is suitable at this time.

This case received no media attention at the time and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (11)

The individual in question has been wanted on PNC for drug offences dating back to 2002. The public interest is also lessened when considering that 15 years have elapsed since the offence took place, the public interest in disclosure is reduced.

This case received no media attention at the time and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (12)

The individual in question has been wanted on PNC for threats to kill dating back to 2002. The public interest is also lessened if we consider that 15 years have elapsed since the offence took place, the public interest in disclosure is reduced.

We additionally are required to consider the wishes of the victims in this scenario, and it cannot be presumed that a disclosure at this stage would be of any benefit to them.

This case received no media attention at the time and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time, including the disclosure of the photograph.

#### Wanted Person (13)

The individual in question has been wanted on PNC for a serious assault dating back to 2003. The public interest is also lessened by the fact this individual is known to be potentially in another country. If we consider that 14 years have elapsed since the offence took place, the public interest in disclosure is reduced.



This case received no media attention at the time and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time, including the disclosure of the photograph.

#### Wanted Person (14)

The individual in question has been wanted on PNC for theft dating back to 2003. The public interest is also lessened by the fact that 14 years have elapsed since the offence took place, the public interest in disclosure is reduced.

This case received no media attention at the time and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### Wanted Person (15)

The individual in question has been wanted on PNC for threatening behaviour dating back to 2003. The public interest is reduced when considering 14 years have elapsed since the offence took place; the public interest in disclosure is reduced.

We additionally are required to consider the wishes of the victims in this scenario, and it cannot be presumed that a disclosure at this stage would be of any benefit to them.

This case received no media attention at the time and the passage of time which has elapsed, only decreases the public interest in the disclosure of this information. There is little or no, policing purpose in the disclosure of this information at this time.

No photo is held

#### **Summary**

In respect the above individuals, the Constabulary considers that by disclosing the information requested, we are providing information that is proportionate and in all the circumstances will ensure the request has been responded to fairly.

The public interest is served by the provision of the specific data and although it may be considered 'useful' for the public to be aware of individual names, their human rights are still to be considered.

Disclosure will be unwarranted if there is a disproportionate detriment to the rights and interests of any individual concerned. The Constabulary must consider the consequences of any disclosure and the reasonable expectations of the data subjects and any associated individuals, such as a victim, who could also be identified from this disclosure.

Article 8 of the European Convention on Human Rights protects the right to a private and family life. Additionally, the Constabulary must consider the extent to which the information is, or



remains, in the public domain. Under FOIA, such information will remain in the public domain indefinitely, which would not be considered 'fair' in considering their human and data protection rights.

As far as the police service is concerned, the protection of the community must and will always take precedence over information provision. We would be failing in our duty to protect all members of the public, regardless of whom they are, should one person suffer as a result of a disclosure under this legislation.

On this basis and for the reasons outlined above, the balance is firmly tilted towards 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/>

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.



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 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 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](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