

Freedom of Information Request Reference N°: FOI 004791-17

I write in connection with your request for information received by Suffolk Constabulary on the 03 May 2017 in which you sought access to the following information:

“Further to FOI request 004081-17.

I note that there are single vehicle accidents listed but your system has not provided details of the causes of these accidents. I understand that there may be more detail in your system so I would be grateful if you could provide me with details of the accident circumstances for each incident logged so that I can determine whether any of those incidents were also caused by debris being deposited during downpours.

I would also be grateful if you could confirm whether the 05.06.15 incident relates to my client xxxx, or whether this relates to a different incident as I understand there were other incidents in the area on the same day as her accident.

I understand your Road Policing Unit may be able to advise on whether the area has a history of becoming hazardous in certain circumstances. If they have any information which may be able to assist with my enquiries I would be grateful if you could let me know.

The incident happened on the B1078 between Ashbocking and Hemingstone.”

Response to your Request

The response provided below is correct as of 3 May 2017

Suffolk Constabulary has located the following information as relevant to your request.

The Constabulary has completed an additional search of all calls recorded by the Constabulary that have been flagged as Transport related. There were a total of 25 reports received by the Constabulary during the 2015 and 2016 calendar years and of those, 13 fitted in with the request parameters. The reasons for the calls were recorded as follows:

February 2015	– Reporting ice on the road
May 2015	– RTC – No information concerning road condition
June 2015	– RTC – No information concerning road condition
July 2015	– RTC – No information concerning road condition
July 2015	– RTC – No information concerning road condition
August 2015	– RTC – No information concerning road condition
October 2015	– RTC – No information concerning road condition
November 2015	– RTC – No information concerning road condition
January 2016	– Reporting the road is flooded
January 2016	– Reporting the road is flooded
May 2016	– RTC – Deer ran out in front of vehicle
July 2016	– RTC – No information concerning road condition
August 2016	– RTC – No information concerning road condition



These reports will overlap data provided in previous FOI response 004081-17, which focussed just on incidents where officers were required to attend a road traffic collision.

The Constabulary Roads Policing and Firearms Operations Unit is unaware of any problems with regards to the condition of the road, or gravel. They have completed a further search to review the causes of accidents, and they located two whereby this has been a contributory factor. One being oil in the road, and another mud on the road.

The Constabulary is unable to confirm whether any of these reports pertain to your client under the Freedom of Information Act, as the response will be published on the Constabulary's disclosure log pages and therefore, we would be in breach of the data protection act to confirm such information publically.

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.

Where exemptions are relied upon s17 of FOIA requires that we provide 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 applies.

The Suffolk Constabulary can **neither confirm nor deny** that it holds the information you have requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 40(5)(a)(i) - Personal information

Personal information would not be released under the Freedom of Information Act unless there is a strong public interest. The principle of FOIA is that it is an applicant blind process, with any disclosure being released to the world at large. To confirm whether or not an individual has been in contact with the Constabulary, in whatever capacity, would breach the Data Protection Principles contained within the Data Protection Act (1998).

Personal data is defined under the Data Protection Act (1998) as data that is biographical in nature, has the applicant at its focus and/or affects the data subject's privacy in his or her personal, professional or business life.

Section 40(5), although a class-based and absolute exemption does require my consideration to the public interest in confirming or denying the information exists.

When considering applying the S40 exemption, we are to have due regard to the principles of the Data Protection Act 1998. The first principle states that 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. Having weighed up the conditions as set by the DPA, it is the decision of the Constabulary that none of the



conditions in schedule 2 are met. There is therefore no reason to assess the schedule 3 conditions. The reasoning for this decision is provided below.

Information disclosed under the Freedom of Information Act becomes available to the world and not just to the individual applicant. As such, Suffolk Constabulary would not wish to confirm or deny to the public at large what personal information is held in relation to an individual.

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

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*

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