



12th January 2018

Freedom of Information Request Reference N^o: FOI 007366/17

I write in connection with your request for information received by the Norfolk and Suffolk Constabulary on the 20th November 2017 in which you sought access to the following information:

It is well documented that the number of police stations open to the public has declined rapidly nationwide in recent years, this often as cited due to lack of use by the public; my request is thus;

- 1 Has a footfall survey or usage count of Public Enquiry Offices ever been conducted.
- 2 If so, could I access the information compiled.

Response to your Request

The response provided below is correct as of 20th November 2017.

Norfolk and Suffolk Constabularies have located the attached information as relevant to your request.

- Norfolk & Suffolk Front Counter Survey Analysis 9th October to 5th November 2013.
- Norfolk – Number of Days Data Captured Table.
- Norfolk – PEO Review

The final document has been redacted due to 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 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.

The Constabularies can confirm that it does hold the information requested however it has not been disclosed due to exemptions within the Act.

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 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 31(1)(a)(b) Law Enforcement
- Section 40(2) Personal Information

Section 31 is a qualified, prejudice based exemption and I am therefore obliged to articulate the harm in disclosure of the information and carry out a public interest test.

Section 40(2) – whilst section 40 is a class based absolute exemption and there is no requirement to consider the harm or public interest, there is a requirement under sub-section 40(2), if the information requested relates to third parties, to articulate why disclosure would breach the Data Protection Act principles. The exemption at section 40(2) is relevant if the release of the personal information would be a breach of any of the 8 principles of the Data Protection Act 1998.

Personal data means data that relates to a living individual, who can be identified from that data or from that data and other data, that is in the possession of, or likely to come into the possession of the data controller.

Principle 1 of the Data Protection Act states that personal data shall be processed fairly and lawfully.

The advice from the Information Commissioner, when applying the exemption at section 40(2), is to firstly consider fairness. Fairness relates to consideration of expectation and consequences in relation to the use of a person's personal information.

It is reasonable to assume that members of the public, officers and members of police staff would expect their details to be kept confidential and in accordance with the Data Protection Act.

The document, Norfolk - PEO Review, contains details of officer and staff duties, meetings, enquiries, etc. It also contains the details of members of the public, some of which have attended the Public Enquiry Office in order to complete registration requirements, for example, bail responders, registered sexual offenders and for the purpose of immigration registration. A number of these will be regular appointments, at the same of time day, on regular dates. In some cases the individual's names have been included.

It is also possible that other members of the public have attended the PEO at the same time as those registering their details and therefore providing the locations, dates and times could also lead to the identification of individuals and their purpose for attending the stations.

To reveal any information via the Freedom of Information process, leading to the identification of an individual, would not be considered 'fair'. Once released, the information is published by Norfolk and Suffolk Constabularies on their respective websites. This significantly increases the likelihood of individuals being identified.

Therefore I believe that releasing personal information into the public domain, which could be linked to a living individual in a way that they would not expect, would not be fair and would be a breach of Principle 1 of the Data Protection Act. This response letter serves as a refusal notice under section 17(1) of the Freedom of Information Act by virtue of the exemption at section 40(2) of the Act.

Section 31

Harm in disclosure

As detailed above, there are requirements for individuals to regularly attend Public Enquiry Offices in order to complete registration procedures and to respond to bail. Providing the details requested, under the Freedom of Information Act, could enable members of the public to identify individuals. It would also provide details of the times and locations of when individuals are responding to bail or attending PEOs for the purposes of immigration, or as part of the requirement for the sex offenders register.

Procedures are in place and considerable steps are taken to ensure that Registered Sex Offenders are not identified. Providing this information would impact on police processes and could place those individuals at risk of harm.

If an individual believes that this information could be released and lead to their identification, it may deter them from attending pre-planned appointments. This would undermine the law enforcement capabilities of the Constabularies and therefore section 31 has been engaged.

Factors favouring disclosure

Openness and transparency are fundamental principles of the Freedom of Information Act. Releasing this information would provide reassurance to the public that individuals are being monitored in line with their registration requirements, or whilst released on bail due to ongoing investigations.

An increased public awareness could result in more information being provided by the public.

Factors favouring non-disclosure

Where an individual is required to attend a police station in order to respond to bail or to provide their details, procedures are in place to ensure this process is managed appropriately. Providing details of dates, times and locations would hinder this process. If individuals believe that information could be released under the FOI Act, this may result in them being reluctant to attend appointments. This would result in the need for additional resources to be allocated to this area of policing and there would be an increased cost to the public.

The procedures which are in place to ensure that Registered Sexual Offenders are not identified would be jeopardised and, if individuals are identified, placing them at risk of harm, additional police resources would be required to ensure their safety.

Balance Test

Disclosure of any information which may affect the law enforcement capabilities of the Constabularies will always favour non-disclosure. Whilst there is a public interest in decisions that are being made around public services, the Police have a duty to protect the public. Information would not be disclosed which may place any members of the public at risk of harm.

Although specific details have been removed, IE dates and locations, the total number of PEO visits is still provided within the response. The request is asking for details of the usage/footfall survey therefore, even though in a redacted format, this information has been provided.

In accordance with the Freedom of Information Act, this serves as a refusal notice for these parts of your request, by virtue of the exemption at section 31(1).

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 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
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