



Freedom of Information Request Reference N^o: FOI 007489-17

I write in connection with your request for information received by Norfolk and Suffolk Constabularies on the 30 November 2017 in which you sought access to the following information:

“Please send me figures of senior Police staff expenses claims and register of gifts and hospitality over the last 24 months available (or the last two financial years).

Senior staff are defined as those designated as a head of service so, at least, chief inspectors, chief officers and chief superintendent.”

Response to your Request

The response provided below is correct as of 30 November 2017

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

Information concerning the Constabularies gift registers and Chief Officer Expenses are published on the respective Constabulary website.

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) are 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;

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

Information concerning the gifts registers is published on the Constabularies publication schemes and can be found following the links provided below:

<http://www.suffolk.police.uk/about-us/our-data/publication-scheme/list-and-registers>

<http://www.norfolk.police.uk/about-us/our-data/publication-scheme>

Chief Officer Expenses are published on the Constabularies Publication Schemes and can be found following the links provided below:

<http://www.suffolk.police.uk/about-us/our-data/publication-scheme/what-we-spend-and-how-we-spend-it>

<http://www.norfolk.police.uk/about-us/our-data/publication-scheme>

Information concerning the expenses of senior officers and staff (excluding Chief Officers) are provided within the attached spreadsheet. Please note that some of the expenses are as a result of national work, which would result in the payments being reclaimed by the Constabulary at a later time. Some information has been removed as a result of exemptions within the Act.

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- (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 Information

Section 31(1) – Law Enforcement

Section 40 is an absolute 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.

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.

This is an absolute, class-based exemption and, as such, there is no requirement for the public interest test. However, in order to assist I have provided a more detailed explanation as to why some of information has not been included as a result of this exemption.

The request asks for the details of all senior staff and officer expense claims. This information includes names of junior staff that would expect a degree of anonymity considering their roles are

not necessarily public facing. Additionally, there are names of suspects and victims within the spreadsheet in order to fully justify why the claim was required. It would certainly not be fair to disclose information pertaining to these persons as would identify they have had some involvement with either Constabulary. There is additional concern that the disclosure would lead to their safety being compromised, when we consider the dates of the claim are also included and individuals could establish what the police involvement related to.

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 Constabularies that none of the conditions in schedule 2 are met. There is therefore no reason to assess the schedule 3 conditions and I am satisfied that the exemption applies.

Section 31 is a qualified, prejudice-based exemption and I am therefore obliged to provide a Public Interest Test and articulate the harm.

Harm

Where a disclosure is made that will provide the full capacity sensitive areas of policing, there is potential for future disruption that will be prejudicial to law enforcement and thus potential for individuals to map the capacity and capabilities of the Constabularies in the specialised areas of policing.

There is a great deal of information held within the details of the claim, which will identify officer movements and specific operational activities. Certain information of this nature is sensitive and any disclosure could result in the exposure of the Constabularies capabilities.

It is for the reason specified above that section 31 is engaged.

Public Interest Test

(When applying a qualified exemption a public authority is required to consider whether 'in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information')

Factors Favouring Disclosure

The fundamental purpose of the FOIA is to ensure Public Authorities are more accountable for their actions, leading to us becoming more open and transparent. Any disclosure that reflects these key aims would favour disclosure. In this instance disclosure of senior staff and officer expenditure will identify where funds are being spent and appropriately so.

Factors Favouring Non-disclosure

Disclosure of information that can affect the current and future law enforcement capabilities of the Constabularies will always favour non-disclosure. On this occasion, providing certain costs relating

to sensitive or covert roles or operations will identify Constabulary movements and capacity with regards to law enforcement.

Although public knowledge of the Constabularies spending is a positive factor, this is not unlimited; there are aspects of Policing that must remain confidential to ensure the process is not undermined by FOI disclosures. Certain information has been redacted to ensure that the integrity of policing tactics are retained.

Public Interest Balancing Test

There is a public interest in the use of public funds and the expenditure claimed back by senior staff and Chief Officers. Information concerning costs has been provided, with the exception of those few relating to covert policing. Providing additional detail will not in any way enhance the information that has been disclosed, as the legitimate public interest is the knowledge that expense claims are appropriate and the process is not being misused.

It is for the reasons above that I consider the provision of the information as it is, is fair, without prejudicing law enforcement capabilities of both Constabularies, and the exemption at Section 31 is applicable.

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/>

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
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.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