



Freedom of Information Request Reference N°: FOI 001233-20

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 31 March 2020 which you sought access to the following information:

“Could you please list all crimes logged containing the words coronavirus since the start of the year and all details contained in the report - ie where, when, what happened, who was involved.”

Response to your Request

The response provided below is correct as of 2 April 2020

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

A search has been completed of the Constabularies crime system for all offences recorded that contain the words corona and virus, during the 2020 calendar year to date.

Please note that freetext searches are by their very nature, unreliable, and consequently there may be other relevant offences not included within this response as the crime did not include the word specifically searched.

The total number of offences recorded is provided below, including the month, location, offence and outcome. Information concerning who were involved in the investigation has not be provided as a result of 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) 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 exemptions;

Section 40(2) – Personal Information
Section 30(1) - Investigations

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 the Principles contained within Article 5(1) of the GDPR and Part 2 of the Data Protection Act 2018.

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 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.

Principle a of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. In this case the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification, or equally led to an individual be wrongfully identified as a suspect.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing requirement for the processing of the information and would not be lawful or fair to the individuals in question.

It is for these reasons outlined above; that I feel the principle a 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.

Section 30 is a qualified class-based exemption and I am therefore obliged to consider the public interest test.

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')

Favouring Disclosure

Investigations are expensive and use the resources provided from public funds. To disclose information about such cases would show to the public how we spend their money.

Such information would provide the general public with an understanding that we take such matters seriously and we ensure all offences are investigated thoroughly.

The subject of coronavirus is one of upmost public importance and to provide information relating to these investigations will ensure that the Constabularies are appropriately and effectively managing the legislation.

Favouring Non-Disclosure

Information that relates to a live investigation will rarely be disclosed under the FOI Act. By doing so we could risk prejudicing this and future like investigations by providing vital information that could provide a tactical advantage over the Constabulary.

Where suspects, witnesses or the victim provides information through the course of the investigation, it is done so in the strictest of confidence for the purpose of which it was required. Provision of information that may identify an individual to the general public would breach that confidentiality, impeding any future assistance that individual can provide.

We are law enforcers and we aim to provide a sufficient and positive approach to the way we conduct our investigations, we would not want a disclosure of this nature to compromise this in any way.

All of these investigations are very recent and information identifying individuals is seldom disclosed under FOI unless such a disclosure has already been done via official Constabulary press releases.

Balancing Test

There is always a public interest in the provision of information that will identify where funds are being spent and that the Constabulary is effectively investigating offences and ensuring compliance with the Coronavirus Legislation.

However, there is a strong public interest in preserving the integrity of investigations and ensuring that individuals have confidence in approaching the Constabulary with any concerns they may have.

Having weighed up the factors favouring disclosure and those favouring non-disclosed, I have decided that the balance lies with non-disclosure.

Date	PC/District	Offence Title	Outcome
Norfolk			
12/02/2020	D South Norfolk	Sending letters etc with intent to cause distress or anxiety, Malicious Communications Act 1988	Type 18
03/03/2020	B Breckland	Racially or religiously aggravated harassment, alarm or distress	Type 18
23/03/2020	B Breckland	Sending letters etc with intent to cause distress or anxiety, Malicious Communications Act 1988	Under Investigation

26/03/2020	F Norwich City Council	Assault or assault by beating of a constable	Type 1
26/03/2020	D South Norfolk	Other criminal damage to a dwelling (Under £5,000)	Type 16
27/03/2020	C North Norfolk	Sec 4a POA Causing intentional harassment, alarm or distress	Type 18
28/03/2020	F Norwich City Council	Assault without Injury - Common assault and battery	Under Investigation
29/03/2020	D South Norfolk	Assault without Injury - Common assault and battery	Under Investigation
29/03/2020	G Great Yarmouth	Assault or assault by beating of a constable	Type 1
18/03/2020	G Great Yarmouth	Assault without Injury - Common assault and battery	Type 16
19/03/2020	F Norwich City Council	Assault without Injury - Common assault and battery	Type 16
19/03/2020	F Norwich City Council	Assault without Injury - Common assault and battery	Under Investigation
20/03/2020	G Great Yarmouth	Assault without Injury - Common assault and battery	Type 16
24/03/2020	Non-Athena force	Sending letters etc with intent to cause distress or anxiety, Malicious Communications Act 1988	Under Investigation
25/03/2020	G Great Yarmouth	Assault without Injury - Common assault and battery	Under Investigation
26/03/2020	G Great Yarmouth	Assault occasioning actual bodily harm (ABH)	Under Investigation
Suffolk			
18/03/2020	South SPC	Assault without Injury - Common assault and battery	Under Investigation
26/03/2020	East SPC	Assault without Injury - Common assault and battery	Type 12
27/03/2020	South SPC	Sec 5 POA Harassment, alarm or distress	Type 6
27/03/2020	West SPC	Sec 5 POA Harassment, alarm or distress	Under Investigation
28/03/2020	West SPC	Assault without Injury - Common assault and battery	Under Investigation
29/03/2020	East SPC	Assault without Injury - Common assault and battery	Type 1

Outcomes

Type 1 – Charge/Summons

Type 6 – Penalty Notice

Type 12 – Offender too ill to prosecute

Type 16 – Victim confirms crime but declines / unable to support police action

Type 18 – Investigation complete – No Suspect Identified

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 40 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