



NORFOLK
CONSTABULARY
Our Priority is You

September 2016

Freedom of Information Request Reference N^o: FOI 003251/16

I write in connection with your request for information received by the Norfolk Constabulary on the 31st August 2016 in which you sought access to the following information:

Can you please disclose the number of arrests made of suspected sex offenders from 2012-present where the arrest location included the keywords 'barge', 'boat', 'canal' or 'river'.

In the cases found from the above search, could you please disclose the exact location - ie barge on canal x or boat on river y.

Can you also tell me how many of the arrests resulted in charges and the details of each charge including names where possible and ages.

The number of sex offences reported to have taken place where the location was logged as 'barge', 'boat', or 'canal towpath' from 2012 to the present.

In each case, could you please disclose details of the nature of the reported offence.

Norfolk Constabulary holds information relevant to your request.

Response to your Request

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

The Joint Performance and Analysis Department has undertaken research of arrest records, for sexual offences, where the arrest location includes one of the following keywords:-

- Barge
- Boat
- Canal
- River

This returned one arrest of a 29 year old male for the offence of Rape in 2012. The custody record disposal is 'No Further Action'.

The name of the arrested person and other specific location information will not be provided due to exemptions within the Act. The relevant exemption is:-

- Section 40(2) Personal Information

Section 40(2) – Whilst Section 40 is a class based absolute exemption and there is no requirement to consider the harm or public interest test 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 is 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 latest 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 data.

It is reasonable to assume that when a member of the public has contact with the Constabulary they would expect their details to be kept confidential and in accordance with the Data Protection Act, and that information would not be made publicly available by releasing details via the Freedom of Information process. Once released this information is published on the Norfolk Constabulary website and is therefore available to any internet user.

Releasing the name of the arrested individual, who in this case was not charged with the offence, would not be fair and would be a breach of Principle 1. Similarly other information that could lead to the identification of the individual, for example, the exact arrest location, would also be a breach of Principle 1.

This response serves as a refusal notice under Section 17(1) of the Freedom of Information Act by virtue of the application of the exemption 40(2) of the Act for this part of your request.

Additionally, a search was also completed of the crime databases for any sexual offences where the MO location included one of the following keywords:-

- Barge
- Boat
- Canal Towpath

No relevant crimes were identified.