



NORFOLK
CONSTABULARY
Our Priority is You

January 2016

Dear

Freedom of Information Request Reference N^o: FOI 000546/15

I write in connection with your request for information received by the Norfolk Constabulary on the 10th December 2015 in which you sought access to the following information:

I would like details by month of reports of sexual assaults, rapes and serious sexual assaults in Norfolk's hospitals for the past three calendar years, 1st January 2013-December 2015. If this request is processed before the 31st of December I would like records up until the day that this request is answered.

I would also like details of what action was taken by the police after the incident was reported.

I would like the information broken down by the date, the time, the type of incident, the location and details of what action was taken by the police after the incident was reported.

Please could I have this information in the format of an Excel spread sheet.

My definitions for each type of crime are as the Metropolitan police define them on their website:

Sexual Assault: A person commits sexual assault if they intentionally touch another person, the touching is sexual and the person does not consent.

Rape: A person commits rape if they intentionally penetrate the vagina, anus or mouth of another person with their penis without consent.

Serious Sexual Assault: Assault by penetration - a person commits assault by penetration if they intentionally penetrate the vagina or anus of another person with a part of the body or anything else, without their consent.

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 recorded crimes for sexual offences where the location is one of the 3 main Norfolk Hospitals that offer Accident and Emergency Services. They are:

- Norfolk and Norwich University Hospital, Norwich
- Queen Elizabeth Hospital, Kings Lynn
- James Paget, Gorleston

Incident Month/Year	Location	Offence	Detection Status	Outcome
July 2013	Norfolk & Norwich University Hospital	Sexual Assault On A Female	Undetected	-
December 2014	Queen Elizabeth Hospital	Sexual Assault On A Male	Undetected	13. Victim or key witness is dead or too ill
September 2015	James Paget	Sexual Assault On A Female	Undetected	-

In order that none of the persons involved in the incidents are identified, we have not provided the specific dates and times of the offences. The exemption at section 40(2) of the Freedom of Information Act has been engaged.

- Section 40 – 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, either a victim or suspect of crime, 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.

In this particular instance, were we to provide the specific dates and time that this offences are reported to have taken place, along with the other details that have been included in the response this could lead to the identification of those involved. Identification would be even more likely where members of the public already have some awareness of an incident or information that is already in the public domain. There would be an expectation of those involved that this information would be kept confidential and that the Constabulary would not increase the likelihood of identifying an individual by releasing the details under the Freedom of Information Act.

Releasing these details, leading to the identification of those involved, would not be fair and would 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 these parts of your request.