



June 2020

Freedom of Information Request Reference N^o: FOI 001862/20

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 3rd June 2020 in which you sought access to the following information:

(For questions 1 to 4 below) For each of the calendar years 2017, 2018 and 2019 and the period 1st January 2020 to 2nd June 2020, could you please tell me the following:

- 1 How many police officers or PCSOs employed by your force were convicted of a criminal offence (i.e. they were employed by your force at the time of the offence)?
- 2 For each police officer or PCSO convicted of a criminal offence, could you tell their name, rank and offence they were convicted of? If you're unable to tell me their name, please provide their rank and the offence they were convicted of only.
- 3 For each police officer or PCSO convicted of a criminal offence, could you tell me the court penalty they were given (e.g. imprisonment, suspended imprisonment, fine, etc)?
- 4 For each police officer or PCSO convicted of a criminal offence, could you tell me the formal action taken by your force against the officer (e.g. dismissed without notice, written warning, no action, etc) or whether they resigned or retired?

Additional questions

- 5 In total, how many police officers or PCSOs currently employed by your force have a criminal conviction? If you're unable to provide this information, please tell me the number of serving police officers convicted of a criminal offence while employed by your force who remain employed by your force.
- 6 For each serving police officer or PCSO with a criminal conviction listed in your answer to question 5, could you tell me their rank and the offence they were convicted of?

Response to your Request

The response provided below is correct as of 16th June 2020.

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

Q1 - 4 The following information refers to Police Officers who were convicted of a criminal offence at court, between 1st January 2017 and 2nd June 2020, whilst serving officers. No PCSOs were convicted within the timescales.

YEAR	OFFICER RANK	OFFENCE	SENTENCE	CONDUCT OUTCOME
NORFOLK				
2017	Constable	Theft	Imprisonment	Dismissed
2018	Constable	Breach of the Data Protection Act	Fined	Resigned. Would have been dismissed had they not resigned
SUFFOLK				
2017	Constable	Pervert the Course of Justice	Imprisonment	Dismissed

Q5 – 6 The following are serving officers, who were convicted of a criminal offence, either prior to or after joining the Constabulary. Norfolk Constabulary no longer employ PCSOs.

Traffic offences have not been included.

OFFICER RANK	OFFENCE	RECEIVED PRIOR TO / AFTER JOINING
NORFOLK		
Constable	Fraudulent Vehicle Excise Licence	Prior to joining
Constable	Possess an imitation firearm in a public place	Prior to joining
Constable	Battery	Prior to joining
SUFFOLK		
Constable	Breach of the Data Protection Act	After joining
Constable	Common assault	After joining

The names of the officers have not been provided and section 40 of the Freedom of Information Act 2000 has been engaged.

Section 17 of the Freedom of Information Act 2000 required 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 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(s);

- **Section 40(2) – Personal Information**

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, 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. FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Whilst the names may have been made public during criminal proceedings, it would not be fair or lawful to re-process this information for the purposes of disclosure under the FOI Act. Therefore, provision of this information would exceed the original 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.