



Norfolk Constabulary

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June 2016

Dear

**Freedom of Information Request Reference N<sup>o</sup>: FOI 001960/16**

I write in connection with your request for information received by the Norfolk Constabulary on the 11<sup>th</sup> May 2016 in which you sought access to the following information:

For the years between (And including) 2012, 2013, 2014, 2015 and current figures for 2016, I request the following information:

- 1 The number of reports to police of an alleged crime where 'Tinder' and 'Grindr' were named in the log. I ask for the information to be broken down yearly into the numbers of crimes, brief description of crime, gender of victim, age of victim and outcome of the crime.

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 following has been extracted from the Constabulary's crime systems by the Joint Performance and Analysis Department. They have researched recorded crimes where either 'Tinder' or 'Grindr' appear within the text of the report.

There have been 4 crimes recorded. Please see details below:-

Year	Offence	Outcome
2015	Malicious Communications	Type 14 - Evidential Difficulties Victim Based-Named Suspect Not Identified: Crime Confirmed But The Victim Either Declines Or Unable To Support Further Police Investigation To Identify The Offender
2016	Criminal Damage to a Vehicle	Type 8 - Community resolution (Crime)
2016	Rape of Female aged 16 and over	No outcome
2016	Obscene Publications	Type 21 - Named suspect - Investigation resulting from crime report that could provide evidence to support formal action being taken against the suspect is not in the public interest - police decision

Victim Gender	Age Range
Female	18 or under
Female	20-30yrs
Female	20-30yrs
Male	20-30yrs

In order that none of the persons involved in the incidents are identified, we have not provided any further details of the reports made to the Constabulary. 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 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 further specific details of the crimes reported to the Constabulary, along with the information that has already been included in the response, this would lead to the identification of those involved. The likelihood of identification is already greater due to the very few numbers of crimes that are relevant to your request, thereby increasing the risk of identifying either the victim or the suspect/offender. There would be an expectation 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.