



February 2017

**Freedom of Information Request Reference N°: FOI 000234/17**

I write in connection with your request for information received by the Norfolk Constabulary on the 12<sup>th</sup> January 2017 in which you sought access to the following information:

"Please provide a breakdown of the youngest and oldest arrests made in your constabulary area - categorizing what the reason for arrest was, the location and the age of the person being arrested"

Please also provide information for calendar years 2013/14, 2014/15 and 2015/16.

Please provide the top 10 in each age range (ie the 10 youngest and the 10 oldest) if FOI cost issues become apparent.

Norfolk Constabulary holds information relevant to your request.

**Response to your Request**

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

Please see below information for the calendar years 2013 to 2016.

2013 – Youngest Persons Arrested	
Age	First Arrest Offence
10	Criminal Damage
10	Criminal Damage
10	Criminal Damage
10	Other
11	Theft from Shops
11	Common Assault
11	Assault GBH
11	Common Assault
11	Common Assault
11	Racially Aggravated Offence

2013 – Oldest Persons Arrested	
Age	First Arrest Offence
81	Sexual Offences
81	Sexual Offences
81	Positive Breath Test

82	Other
82	Breach Non-Molestation Order
82	Common Assault
82	Breach Non-Molestation Order
84	Common Assault
90	Assault ABH
92	Drunk & Disorderly

2014 – Youngest Persons Arrested	
Age	First Arrest Offence
10	Assault ABH
10	Theft
10	Criminal Damage to a Motor Vehicle
11	Criminal Damage
11	Criminal Damage
11	Criminal Damage
11	Arson
11	Criminal Damage
11	S.4 Public Order Act 1986
11	S.5 Public Order Act 1986

2014 – Oldest Persons Arrested	
Age	First Arrest Offence
81	Other
81	Breach of Bail
83	Threats to Kill Another
83	Fail to Provide Specimen of Breath
84	Assault ABH
84	Sexual Offences
84	Common Assault
85	Sexual Offences
86	Theft
87	Rape

2015 – Youngest Persons Arrested	
Age	First Arrest Offence
10	Arson
10	Rape
10	Common Assault
10	Common Assault
10	Assault ABH
10	Rape
10	Common Assault

11	Affray
11	Possession of Offensive Weapon
11	Rape

2015 – Oldest Persons Arrested	
Age	First Arrest Offence
82	Sexual Assault
83	Sexual Offences
83	Sexual Offences
83	Rape
85	Other
85	Other
85	Other
86	Fail to Provide Specimen of Breath
87	Positive Breath Test
87	Harassment – Pursue a Conduct of

2016 – Youngest Persons Arrested	
Age	First Arrest Offence
10	Assault - Common
10	Criminal Damage - Other
10	Criminal Damage - Other
10	Criminal Damage – To a Dwelling
10	Rape
10	Assault – Common
10	Assault – On Police
11	Assault – Common
11	Assault – Common
11	Assault – Common

2016 – Oldest Persons Arrested	
Age	First Arrest Offence
81	Fraud – By False Representation – Other Frauds
81	Indecent Exposure
82	Sexual Offenders Act
82	Driving – Excess Alcohol
83	Witness Intimidation
84	Rape
84	Sexual Activity
85	Public Order Act – Sec 3 - Affray
87	Driving – Excess Alcohol
88	Sexual Activity

The arrest locations have not been provided due to exemptions within the Act:-

- 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 if 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 disclose details of the arrest locations, some of which will be private residences, this could lead to the identification of the individual arrested. Due to the inclusion of the age of the individual in this response, it is highly likely that the arrested person would be identified, if the location was also provided.

Additionally, releasing this information could also lead to the identification of the victims. A number of the arrests are in relation to sexual offences therefore the Constabulary would not release information if there is a risk that this would lead to the identification of a victim. There would be an expectation that this information would be kept confidential and that the Constabulary would not increase the likelihood of identifying a victim of crime by releasing the details under the Freedom of Information Act.

Releasing these details, leading to the identification of the child, 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.

This response will be published on the Norfolk Constabulary's web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

Should you have any further queries concerning this request, please contact me quoting the reference number shown above.