



September 2019

Freedom of Information Request Reference N°: FOI 002851/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 7th August 2019 in which you sought access to the following information:

- 1 Please provide the number of incidents involving police vehicles hitting pedestrians or cyclists broken down by calendar year for the last five years, including 2019 to date.
- 2 Please provide details of each incident, including:
 - I the reported cause (ie reckless driving, adverse weather conditions etc.).
 - II whether individuals (including police officers and members of the public) were hurt and what their injuries were and/or if there were fatalities.
- 3 Please provide details of financial compensation to the individuals (including officers and members of the public) involved. If not compensation figure can be given for individual cases, please provide a total figure for the year.

Response to your Request

The response provided below is correct as of 12th August 2019.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

Research has been undertaken of records held by the Insurance Section where a Norfolk or Suffolk Constabulary vehicle has been involved in a collision with a bicycle or pedestrian.

Q1

Year	Number of Collisions
NORFOLK	
2015	0
2016	1
2017	1
2018	1
2019	0
SUFFOLK	
2015	1
2016	0
2017	1
2018	2
2019	0

Q2i Most of the above collisions have been as a result of driver error, for example, a door has been opened into the path of a cyclist.

There were two fatalities involving pedestrians. Please see details as per links below:-

<https://www.policeconduct.gov.uk/recommendations/fatal-collision-norfolk-constabulary-july-2017>

<https://www.eadt.co.uk/news/inquest-of-suffolk-teenager-ewan-clover-from-rougham-1-5762512>

Under Section 21(1) of the Freedom of Information Act (2000), public authorities are not required to provide information that is reasonably accessible to the public by other means; therefore in accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for this part of your request.

Q2ii

Year	Details
NORFOLK	
2016	No injuries
2017	Fatal injuries to member of public No injury to officer
2018	Minor injuries to member of public No injury to officer
SUFFOLK	
2015	Minor injuries to member of public No injury to officer
2017	Member of public suffered a broken leg & other minor soft tissue injuries No injury to officer
2018	1. Member of public suffered cuts & bruises to wrist No injury to officer
	2. Fatality - member of public hit by police car after he had been the victim of a previous vehicle collision

Q3

Year	Details
NORFOLK	
2016	No compensation claim
2017	Claim ongoing
2018	No compensation claim
SUFFOLK	
2015	No compensation claim
2017	Claim ongoing
2018	1. Exempt – section 40 2. No compensation claim

With regard to the amount of compensation paid to an individual in 2018 by Suffolk Constabulary, this information has not been provided due to exemptions within the Act.

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 – 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, even third party 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. In this case the individual(s) would have a reasonable expectation that information would not be processed if it resulted in their identification. There was only one claim which resulted in compensation being paid out therefore, due to the other information that has been provided within the response, it is likely that this individual could be identified by those who already have some knowledge of the collision. This disclosure would then detail how much compensation the individual received.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing 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.