



Norfolk Constabulary

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Dear

Our ref: FOI 000357/16

I write in connection with your request for information received by both Norfolk and Suffolk Constabularies on the 25<sup>th</sup> January 2016. This response is being provided on behalf of Norfolk and Suffolk Constabularies as a result of ongoing collaboration.

In your requests you sought access to the following information:

- 1 The number of police officers who were formally disciplined for a) drugs offences and b) sexual misconduct or sex offences in each of the last two complete calendar years (i.e. 2014 and 2015).
- 2 In each case I would like to know the rank, gender and of the officer disciplined, the year of the disciplinary proceedings, the outcome of the proceedings and a brief description of their misconduct.

Norfolk and Suffolk Constabularies holds information relevant to your request.

**Response to your request**

The following information has been located as relevant to your request.

For both Norfolk and Suffolk Constabularies, the answer to question 1A is nil.

Q1b & Q2

NORFOLK

Year	Rank	Gender	Allegation	Outcome
2014	Constable	Male	Inappropriate comments/behavior towards victim	Management advice
2014	Constable	Female	Inappropriate comments/behavior towards colleague	Resigned
2014	Sergeant	Male	Inappropriate comments/behavior towards colleagues/public	Resigned
2015	Constable	Male	Inappropriate approach towards member of the public	Dismissed without notice
2015	Inspector or Above	Male	Sexual activity on police property whilst off duty	Written warning

All of the above were concluded within the same calendar year that the allegation was received.

## SUFFOLK

Year	Rank	Gender	Allegation	Outcome
2013	Constable	Male	Sexual touching of colleagues	Criminal caution & resigned (2014)
2014	Constable	Male	Harassment of member of the public & Data Protection offences	Convicted of DP offence Harassment – Lie on file
2014	Constable	Male	Inappropriate relationship with member of the public	CPS – no further action Resigned
2014	Constable	Male	Inappropriate relationship with member of the public	CPS – no further action Resigned
2015	Constable	Female	Inappropriate relationship with member of the public	Dismissed

The above were all resulted within the same calendar year unless indicated within the table.

The exemption at section 40(2) has been engaged where the officer is above the rank of Sergeant and also with regard to providing any further details of the allegations.

- Section 40(2) – 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, there is a requirement under sub-section 40(2), if the information requested relates to a third party, 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. Were we to provide further specific details, in addition to the information already provided in this request, anyone who has some knowledge of the circumstances would be able to identify who the information relates to. With regard to the officer rank, the numbers of officers to which this information could relate is significantly reduced, due to the number of officers within the Constabularies who are of the rank of Inspector or above. Additionally, the details in this response could be used in conjunction with other information that is publicly available, leading to the identification of the individuals involved. It also has to be taken into consideration that identifying the officer could lead to the identification of the victim(s).

To reveal information via the Freedom of Information process, leading to the identification of an individual, would not be considered 'fair'. When it is released the information is published on the Norfolk and Suffolk Constabularies websites. It is reasonable to assume that Constabulary employees would expect their details to be confidential and in accordance with the Data Protection Act, and that information would not be made publicly available by releasing the details under the Freedom of Information Act. Where appropriate, information may be released via the Criminal Justice process.

On the basis that personal data into the public domain, that could be linked to a living individual in a way that they would not expect, would not be fair and would be a breach of principle 1. This response letter serves as a refusal notice under section 17(1) of the Freedom of Information Act by virtue of the application of the exemption at section 40(2) of the Act, for these parts of your request.

This response will be published on the both the Norfolk and Suffolk Constabulary web-sites. A link to the disclosure log pages of each Constabulary web-site is provided below.

<http://www.norfolk.police.uk/aboutus/yourrighttoinformation/freedomofinformation/disclosurelog.aspx>

<http://www.suffolk.police.uk/aboutus/yourrighttoinformation/freedomofinformation/disclosurelog.aspx>

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