



December 2016

Freedom of Information Request Reference N^o: FOI 004208/16

I write in connection with your request for information received by the Norfolk Constabulary on the 21st November 2016 in which you sought access to the following information:

Please send me a list of all reported incidents including the keyword 'firework,' between the 6th of October and (including) the 6th of November.

For each record I wish to know the classification of the crime, a description of what happened, the date, the time, and the street on which it happened.

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 Joint Performance and Analysis Department has undertaken research of recorded crimes, for the period requested, which include the word 'firework'. This has returned the following 5 crimes:-

Date/Time	Location	Details
5 th October 2200hrs	Buxton Road	Arson not endangering life Hay stack sculpture has been damaged by being set fire to
31 st October 1800hrs	Sprowston	Criminal Damage Conservatory roof broken by a firework
3 rd November 2000hrs	The Street	Criminal Damage A firework or similar has been put into a BT telephone kiosk
5 th November 1930hrs	Breckland District	Road Traffic Act 1988 Whilst walking at firework display child struck by a vehicle causing child to fall over
5 th November 1930hrs	Breckland District	Common Assault Assault following incident above

In order to ensure that the individuals involved in three of the incidents, the street name has not been provided due to exemptions within the Act. The specific exemption is:-

- 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 disclose specific locations, which include private residences, this could lead to the identification of those involved. There would be an expectation that this information would be kept confidential and that the Constabulary would not increase the likelihood of identifying those involved by releasing the details under the Freedom of Information Act.

Releasing these details 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.