



21st April 2017

Freedom of Information Request Reference N^o: FOI 004278/17

I write in connection with your request for information received by the Norfolk Constabulary on the 23rd March 2017 in which you sought access to the following information:

- A The number of still missing females aged 10 to 40 years old that originally went missing up to 2006. Please state the earliest date that your records begin.
- B Their name
- C Age (when they went missing)
- D Where they are from (roughly)
- E Where they were last seen
- F Date when they went missing

Norfolk Constabulary holds information relevant to your request.

Response to your Request

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

Research has been undertaken and has identified 4 missing person cases which are relevant to your request.

Female 1

Age when reported missing: 10 years

From: No details

Where last seen: Whilst swimming at Winterton Gap. Relative attempted rescue but to no avail.

Date missing: 22/07/1974

Female 2

Age when reported missing: 27 years

From: Leeways Womens Refuge

Where last seen: As above

Date missing: 19/12/1984

Female 3

Age when reported missing: 35 years

From: France, holidaying in the UK

Where last seen: Norfolk

Date missing: 16/08/1990

Female 4

Name: Sandra Fleming

Age when reported missing: 32 years

From: Bradwell

Where last seen: Great Yarmouth

Date missing: 24/01/1987

In some cases the names have not been provided. In these cases the exemption at section 40(2) has been engaged.

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 members of the public would expect the Constabulary to keep their details 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. Even though someone is reported to us as missing, this does not mean that their personal information should be released into the public domain.

In each case, careful consideration will be given as to whether releasing the details of the missing person and/or the circumstances, will be beneficial to the enquiry, and assist in locating them. In some cases, members of the missing person's family have specifically requested that the details of their missing relatives are not made public. The Constabulary will also consider making information public when there are concerns in relation to the accuracy of the information already reported or already known in the public domain.

For these reasons we believe that releasing further details of the individual's into the public domain 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.