



May 2017

**Freedom of Information Request Reference N°: FOI 004502/17**

I write in connection with your request for information received by the Norfolk Constabulary on the 7<sup>th</sup> April 2017 in which you sought access to the following information:

- 1 How many racism incidents have been reported to your police force that have taken place in a school (for instance location premise name including 'School' or 'Academy') in 2016-17, 2015-16, 2014-15, (financial years). Please include number of incidents per year.
- 2 If possible, just for 2016-17 year, for each incident please include: ages of suspects/accused, school name, date, and a summary of the report/allegations
- 3 How many arrests have been made because of racism incidents reported to have taken place in schools (above description) in your area in the 2016-17, 2015-16, and 2014-15 years?

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 of recorded crimes which have a 'believed racial' tag and where the company/organisation/premises name contains either 'school' or 'academy'. Please note – not all of these have actually occurred on school premises as some refer to social media/messages, outside a school or when away from school IE on a school bus or trip.

Q1

Financial Year	Incidents	Crimes
2014/15	16	12
2015/16	18	4
2016/17	13	3

Q2 A summary of the crimes/incidents has been provided below in relation to 2016/17. With regard to incidents, we record involved parties rather than suspects so this information has not been provided.

Month Recorded	Incident Details
May 2016	Made derogatory comments
June 2016	Racial comment on social media site
June 2016	Parent report of a racial incident against child
July 2016	Racist comments made
July 2016	Racist comments made
November 2016	Racist comments made

December 2016	Racist comments made
January 2017	Racist message sent
February 2017	Racist comments via social media
March 2017	Offensive comments/pictures posted on social media
March 2017	Racist comments
March 2017	Report of bullying

Month Recorded	Crime Details	Suspect Age
February 2017	Racially or religiously aggravated assault or assault occasioning actual bodily harm	15
March 2017	Harassment - without violence (course of conduct)	No suspect
July 2016	Sending letters etc with intent to cause distress or anxiety, Malicious Communications Act 1988	14

Q3 The following figures relate to the crimes identified in question 1.

Financial Year	Crimes	Arrests
2014/15	12	4
2015/16	4	1
2016/17	3	0

The exact dates and locations of these crimes and incidents have not been provided as it could lead to the identification of the persons involved. Section 40(2) of the Freedom of Information Act has been engaged.

- 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 disclosing these further specific details, along with the information already provided, could lead to the identification of the victims and therefore also the suspects/offenders. There are a relatively low number of crimes and incidents and some are very recent with enquiries likely to be ongoing. 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 would not be considered 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.