



July 2017

**Freedom of Information Request Reference N°: FOI 005454/17**

I write in connection with your request for information received by Norfolk Constabulary on the 26<sup>th</sup> June 2017 in which you sought access to the following information:

- 1 How many claims of compensation for raids on wrong addresses were settled by the force in the last three financial years, 2013/14, 2014/15, 2015/16?
- 2 How many claims of compensation for raids on wrong addresses were settled by the force in the financial year 2016/17?
- 3 How much each claim was settled for?
- 4 How many claims were rejected in each of the above financial years?
- 5 The date and address for each claim?

CLARIFICATION

I can confirm that I mean "forced entry in order to search premises and/or arrest a suspect"?

And I can confirm that I am not referring to forced entries to save life and limb under section 17(1)(e) of PACE.

Yes – you're correct in assuming: When referring to 'wrong address' we assume that you are referring to police entering an address 'A' in error when it should have been address 'B'.

**Response to your Request**

The response provided below is correct as of 13<sup>th</sup> July 2017.

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

Research has been undertaken of the case management system used by Legal Services. The figures relate to Public Liability compensation claims which have been closed in the periods requested and which relate to forced entries in order to search premises and/or arrest a suspect, where police entered address 'A' in error, when it should have been address 'B'.

Q1	2013/14	No settlements
	2014/15	2 claims
	2015/16	No settlements
Q2	2016/17	1 claim
Q3	2013/14	Not applicable
	2014/15	£447.12 and £608.00 respectively

2015/16	Not applicable
2016/17	£897.60

Q4 No claims were rejected.

Q5 Two claims relate to 2014 and one claim to 2016.  
With regard to more specific dates and the addresses, the exemption at section 40 has been engaged.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk and Norfolk Constabularies, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice in 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(2) – Personal Information**

Section 40 – 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 third parties, to articulate why disclosure would breach the Data Protection Act principles.

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 their personal data to be kept confidential and in accordance with the Data Protection Act, and that information would not be made publicly available by releasing the details via the Freedom of Information Act process. Once released the information is published on the Norfolk Constabulary website and is available to any internet user.

By the very nature of the request, the address was entered in error and therefore it would not be appropriate to release these details in an FOI response letter.

Additionally, where an individual is already aware of a claim being made to the Constabulary, providing the address details would also disclose the amount paid to a claimant.

The release of personal data into the public domain under the Freedom of Information Act, in a way that an individual would not expect, would not be fair, and would be a breach of principle 1 of the Data Protection Act. For these reasons, at this time, it has been decided that this information will not be released.