



FREEDOM OF INFORMATION REQUEST

REQUEST NUMBER: F-2009- 04294

REQUEST DETAILS:

1. *"Please tell me if Suffolk Constabulary has processed any data relating to the leaked British National Party membership list.*
2. *Please tell me which of the conditions in Schedule 2 and Schedule 3 were met when processing sensitive personal data?*
3. *Has sensitive personal data been used for any purposes other than comparing against the Suffolk Constabulary Police personnel database?*
4. *Who was responsible for the decision to compare sensitive personnel data against Suffolk Constabulary Police's personnel data?*
5. *What were the grounds for such a decision?*
6. *I request the minutes of any meeting held to come to such a decision.*
7. *Please describe the process used in making such a decision and whether the consequences of this decision, if any, were assessed."*

RESPONSE:

Suffolk Constabulary can **neither confirm nor deny** it holds any information in relation to investigations it may have or have not conducted, which have not subsequently been placed in the public domain. Not only would this undermine any current investigation by alerting those who are suspected of criminal activity, but it may also thwart any such investigation, which is being managed as a covert operation. This in itself would disclose our tactical options, undermining future operations, but also in this case potentially disclose personal data of an individual. This is because the list to which you refer contained the names of individuals.

To confirm, or deny that certain action may or may not have been taken will reveal whether an individual named was suspected of being employed by the force. This may not in fact mean they are a member of the BNP but in fact do no more than simply confirm that we have a member of staff with the same name as one that appears on the list.



SUFFOLK CONSTABULARY

NOT PROTECTIVELY MARKED

Before refusing to comply with the provisions of S1(1)(a) of the Freedom of Information Act, Suffolk Constabulary also has to analyse any public interest factors in neither confirming nor denying that information is or is not held if any of the exemptions cited are qualified in nature.

Both S30 and S31 are, so the following public interest factors are relevant.

S30 Investigations

Favouring confirmation or denial:

Confirming the existence of information would show that the force conducted an investigation, which the public would expect.

Against confirmation or denial:

An investigation if unknown could be compromised and it could hinder the prevention or detection of crime. That may even be because under FOIA forces may provide different responses and application of the S30 exemption in some areas and not others would in fact immediately expose such investigations.

S31 Law Enforcement

Favouring confirmation or denial:

Some information regarding the ability to check against the list is already in the public domain and its full usage would make the public better informed.

Against confirmation or denial:

Law enforcement tactics could be compromised and there could be a hindrance to the prevention or detection of crime.

Balance of Public Interest

At this time the potential harm to current and future investigations outweighs any public benefit in knowing if any additional information is, or is not held. Police Officers and staff are held to public account for their actions by the misconduct regulations and the force is held to account for investigating such matters appropriately by Her Majesties Inspector Of Constabulary, and/or in some cases by the Independent Police Complaints Commission. There is no further tangible community benefit in complying with section 1(1)(a) of the Act at this time.

This response should not be taken as an inference that the force does, or does not hold any further information in relation to your request.

It may assist you to know that the Police Service would be legally entitled to process this sensitive personal data anyway, under Schedule 2 Condition 5 and Schedule 3 paragraph 10 (Statutory Instrument

The Suffolk Constabulary in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Information Compliance Manager, Suffolk Constabulary Headquarters, Martlesham Heath, Suffolk, IP5 3QS.



SUFFOLK CONSTABULARY

NOT PROTECTIVELY MARKED

417/2000, the Data Protection (Processing of Sensitive Personal Data) Order 2000, paragraph 2). The grounds for any decision would be that being a member of the BNP is incompatible with the role of a police officer/police staff and would be regarded as gross misconduct requiring formal action. This does not however mean that the Constabulary have taken such action at this time.