



Freedom of Information Request Reference N°: FOI 000112-21

I write in connection with your request for information received by Suffolk Constabulary on the 10 January 2021 in which you sought access to the following information:

"Please can you provide details about an arrest on 2nd January 2021 where 8 officers were at a property on Sea Road at 22:30 and made an arrest - or direct me kindly to where this information may be accessed.

Response to your Request

The response provided below is correct as of 27 January 2021

Suffolk Constabulary has considered your request for information and the response is below.

The information you have requested is specific to an individual address and this would not be available under the Freedom of Information Act 2000, due to relevant exemptions within the Act and as explained in more detail below.

Should this information pertain to your own personal information, this can be conducted through the Subject Access provisions of the Data Protection Act. Any information the Constabulary may hold can be provided to the individual in question, providing their identity has been confirmed. It is worthy to note that the Data Protection Act itself does contain certain restrictions on the disclosure of personal information. Further information concerning the Data Protection Act Subject Access provisions can be found on the ICO website:

http://www.ico.org.uk/for_the_public/personal_information

I would recommend you liaise directly with the Data Protection Team as they may be able to assist you more fully. Their contact details are as follows:

Data Protection Team
Force Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS

Tel: 01473 613927
Email: dataprotection@suffolk.pnn.police.uk



Website: <http://www.suffolk.police.uk/Useful+Information/Data+Protection/>

Information would not be provided under the Freedom of Information Act with regards to police involvement at a specific address and consequently an identifiable individual, unless there is an identified policing purpose or over-riding public interest in the provision of that information. The policing purpose would be something that allows individuals to assist the police with their investigations and law enforcement responsibilities. The public interest is not that which interests the public, but that would be in the best interest of the public to disclose the information.

In respect the confirmation or denial whether information is held in this instance, is not considered in the public interest and would not assist the Constabulary in its investigations. The provision of personal information, either in confirming information is held or that it is not, would breach the Data Protection Act as information disclosed under the Freedom of Information Act are disclosures to the world, as opposed to the individual requester. Therefore, under this legislation, we would not wish to provide any personal information that may identify an individual's contact with the Constabulary, in whatever capacity.

In so far as the FOI Act is concerned, Section 1 of the Act places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice 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 applies.

Suffolk Constabulary can neither confirm nor deny that it holds the information you have requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemption:

Section 40(5)(a)(i) – Personal Information

Personal information would not be released under the Freedom of Information Act unless there is a strong public interest. The principle of FOIA is that it is an applicant blind process, with any disclosure being released to the world at large. To confirm whether or not an individual(s) have had any contact with Suffolk Constabulary, in whatever capacity, would breach the Principles contained within Article 5(1) of the GDPR and Part 2 of the Data Protection Act 2018.



Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life.

Section 40(5), although a class-based and absolute exemption does require my consideration to the public interest in confirming or denying the information exists.

One of the main differences between the Data Protection Act and the Freedom of Information Act is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third party personal data, is exempted unless there is a strong public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Principle a of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. In this case to even confirm if any information is held or not, the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification, or equally led to an individual be wrongfully identified as a result.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing requirement for the processing of the information and would not be lawful or fair to the individuals in question. It is for these reasons outlined above; that I feel the principle would be breached by this disclosure and the Section 40 exemption remains in place. I am not obliged to consider any further principle in my arguments.

This should not be taken as necessarily indicating that any information that would meet your request does or does not exist.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Suffolk Constabulary is not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.



Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 40 working days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700