



Ref: 11291

Section 17 Notice under the Freedom of Information Act 2000

WITHHOLDING INFORMATION

Section 40(5) – Personal Data Relating to Third Parties

The CPS neither confirms nor denies holding the information you have requested. Under section 40(5) of the FOI Act we are not obliged to confirm or deny whether we hold information, if to do so would contravene any of the data protection principles as outlined in the Data Protection Act 2018 and set out by Article 5 of the UK General Data Protection Regulation (UK GDPR):

Personal data shall be processed lawfully, fairly and in a transparent manner.

An individual's possible involvement with the criminal justice system is rightly open and transparent through the court process, however, any further involvement, be it through association or suspicion, would fall to be considered in line with the Data Protection principles.

FOI is a public disclosure regime, not a private regime. This means that any information disclosed under the FOI Act, by definition, becomes available to the wider public. If any information were held, confirming this would reveal to the world at large that an individual was involved in the criminal justice system; this would constitute the sensitive personal data of that individual. To disclose this fact would be unfair to the individual concerned; individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOI Act. This is especially true of sensitive personal data as it comprises information that individuals will regard as the most private.