



NORFOLK
CONSTABULARY
Our Priority is You

Mr Richard Norman
www.whatdotheyknow.com

Date: 13th of August 2010

Norfolk Constabulary

Freedom of Information Department
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Dear Mr Norman

Freedom of Information Request Reference N^o: FOI 191/10/11

I write in connection with your request for information received by the Norfolk Constabulary. I note that under the terms of the Freedom of Information Act 2000, you have requested that the following information is to be made available to the general public:

- *I would like to request information as to who the arresting officer was in relation to a [name removed] who appeared at Norwich Crown Court for sentence on the 22nd December 2004*

To begin with, I would like to offer some guidance regarding the scope and purpose of the Freedom of Information Act.

It is important to understand that the Freedom of Information Act (FOIA) gives any member of the public the right to request that recorded information held by the Norfolk Constabulary is to be published and made available to the general public. FOIA is designed as a means to achieve openness and transparency in public authorities and to make those authorities accountable to the public they serve.

When responding to a request for information made under FOIA, a public authority cannot take either of the following into account:

- The identity of the applicant
- The reason(s) why the applicant is requesting the information

In order to provide further guidance on the Freedom of Information Act, I have enclosed a copy of the guidance issued by the Office of the Information Commissioner, and I would draw your attention to the Section 3 '*Is it information that would be suitable for general publication?*', on page 2 of the document.

Applications made under FOIA are totally independent from any other process operated by a public authority and any disclosure of recorded information under this Act is deemed as a disclosure to the world and cannot be a disclosure of information to any single individual.



This means that once information has been released under the Freedom of Information Act it becomes a matter of public record and we have a policy of publishing information released under FOIA on the 'Disclosure Log' section our Force web-site in order to make that information available to any member of the public who may wish to view it.

The Disclosure Log can be accessed via the following web-link, and this response to your request will be published, in an anonymised, format on our website under the Section titled 'Personal Data':
www.norfolk.police.uk/aboutus/yourrighttoinformation/freedomofinformation/disclosurelog.aspx

As information published under the Freedom of Information Act is available to the general public, there are exemptions from publication that allow the Norfolk Constabulary to waive our duty to confirm if information is held, and to waive our duty to disclose any such information if it is necessary to protect the privacy of an identifiable individual.

Section 40 of the Freedom of Information Act covers information that may be considered to be personal information as defined by the Data Protection Act.

Members of the public have a right to privacy, and no information can be published under the Freedom of Information Act if to do so would then place the Norfolk Constabulary in breach of the Data Protection Act.

To confirm if any information is or is not held, would be a disclosure of personal information as by confirming to the general public whether information is or is not held, we would be confirming whether the persons named in your request had been subject to Police action or Criminal Prosecution in the past.

In view of the advice provided in the paragraphs shown above, under the terms of the Freedom of Information Act and by virtue of the exemption provided at Section 40(5), which relates to personal information, the Norfolk Constabulary will publically neither confirm nor deny that any recorded information relevant to your request is held and this letter serves as a refusal notice in accordance with Section 17 of the Freedom of Information Act.

This response should not be taken as an indication that any information you have requested to be made public either does or does not exist.

Additional Advice:

By way of offering further advice, I would like to make you aware that under the Data Protection Act, members of the public have a right to request access to their own personal data.

If you believe that the Norfolk Constabulary may hold personal information about you, such as details of any contact you have personally made with the Constabulary, and you wish to proceed with an application under the Data Protection Act, please complete the accompanying application form, and return it to the Data Protection Office of the Norfolk Constabulary, together with your proof of identity and the relevant £10 fee.

Should you have any further queries concerning your Freedom of Information request, please contact me quoting the reference number shown above.

Should you have any queries regarding making an application under the Data Protection Act, please contact the Data Protection Office via the Norfolk Constabulary's non-emergency help line number 0845 456 4567.

Yours sincerely,

Richard Kindleysides
Freedom of Information Department

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/>

The Norfolk 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 the Norfolk Constabulary to review their decision.

Ask the Norfolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by the Norfolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk Constabulary that you are requesting a review within 2 months 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
Professional Standards Department
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW

In all possible circumstances the Norfolk Constabulary will aim to respond to your complaint within 20 working days.

The Information Commissioner.

After lodging a request for a review with the Norfolk 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.informationcommissioner.gov.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