

Our Ref: 003597/17



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

13 July 2017

Dear

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 09/05/2017.

RESPONSE

Please find below answers to your questions:-

Since 16 June 2016, how many times was Nottinghamshire Police called to the office or home of a Member of Parliament following concerns for their welfare?

Nottinghamshire's MPs are:

Gloria De Piero
John Mann
Anna Soubry
Vernon Coaker
Alan Meale
Robert Jenrick
Christopher Leslie
Graham Allen
Lillian Greenwood
Kenneth Clarke
Mark Spencer

Nottinghamshire Police can neither confirm nor deny that it holds the information you requested as the duty in Section 1(1)(a) of the Freedom of



Information Act 2000 does not apply by virtue of exception S40(5) – Personal Data.

40. – (5) The duty to confirm or deny –

- a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
- b) does not arise in relation to other information if or to the extent that either –
 - i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1 (1) a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A (1) of that Act were disregarded, or
 - ii) by virtue of any provision of part IV of the Data Protection Act 1998 the information is exempt from section 7 (1) a) of that Act (data subject's right to be informed whether personal data being processed).

This is an Absolute Class Based Exemption. However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

By way of an explanation, even if you know such information exists, if I were to confirm that the police holds such personal information to you as the requestor under the Freedom of Information Act 2000, I would in effect, be releasing that information to the world as a whole and would be in breach of the Data Protection Act 1998.

Irrespective of what other information Nottinghamshire Police may or may not hold, any request which has potential to identify a third party, by citing an exemption, would attract a neither confirm nor deny response by virtue of Section 40(5) as it constitutes personal data of an individual other than the applicant and disclosure would contravene the first data protection principle which states in part that personal data shall be processed fairly and lawfully.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Section 40(5) of the act being applied.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) 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 Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk