

Our Ref: 008957/15



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

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

14 January 2016

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 14/12/2015.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

I am hereby submitting a Freedom of Information (FOI) request, and I would be very pleased if you could kindly share with me the following information:

- ***Data from all available years on street-level crime, outcome, and stop and search information, including information on the 2011 lower layer super output area (LSOA) where the event took place, on the precise day of occurrence, on the age of the perpetrator (or age group), and on the crime type.***

The data should preferably be supplied (i) as a single Excel file/worksheet; (ii) as a .csv file. I am aware that this kind of information is available at a more aggregated level on the data.police.uk website. However, for research purposes it would be very important for us to have this information at the level of disaggregation hereby requested. This information would be used exclusively for purposes of academic research in order to investigate the connection between school closures

and occurrence of crime. Therefore, daily records of crime including also information on the age of the perpetrator would be very important for our work. I thank you in advance for your invaluable collaboration, and I look forward to your response.

Your request for information has now been considered and I am not obliged to release this information as the duty in Section 1(1)(b) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 14(1): Vexatious Requests

14.—(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

ICO guidance on the subject states:

‘Section 14(1) may be used in a variety of circumstances where a request, or its impact on a public authority, cannot be justified. Whilst public authorities should think carefully before refusing a request as vexatious they should not regard section 14(1) as something which is only to be applied in the most extreme of circumstances.

In cases where the issue is not clear-cut, the key question to ask is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. This will usually be a matter of objectively judging the evidence of the impact on the authority and weighing this against any evidence about the purpose and value of the request. The public authority may also take into account the context and history of the request, where this is relevant.’

Our evidence and considerations in applying S14, against this back drop is as follows:

Disproportionate Burden

Firstly, FOI legislation is designed to provide opportunities whereby the public can shine a torch on the decision making and workings of a public authority. However, this does not mean that information has to automatically be disclosed. To do so without some thought process would be reckless and likely to breach other relevant legislation, such as the Data Protection Act (DPA).

LSOA data is a definition used by the ONS, it relates to statistics which vary between 400 and 1200 households and between 1000 and 3000 people. This is higher than the current snap point used on the police.uk crime mapping system which 'snaps' to approximately 12 households. But that product does not give the specific detail asked for within your request.

Even if it is considered safe to publish data to lower than LSOA level, that does not automatically presume that it is okay to disclose via Freedom of Information which is not only a disclosure to the applicant, but constitutes a

disclosure to the world. The request here seeks aggregated data including dates, ages of perpetrator and also does not seek the current higher level police.uk crime categories but will the specific details of actual crimes committed. In addition to generic crime such as ASB this would also include crimes whereby sensitive vulnerable victims are involved, such as serious sexual offences.

It is strongly felt that the culmination of this data will mean that the identification of specific crimes and therefore of specific individuals (either victims or offenders) will be possible. As you may be aware personal information is exempt from disclosure under Freedom of Information if it would break any of the data protection principles. In this instance, the disclosure of sensitive personal information in relation to the investigation of an offence of which they have either been accused or been the victim of would breach the first data protection principle of fair and lawful processing.

Therefore, a significant amount of work will be required to be undertaken to ensure that the data provided is sanitised to a sufficient level to not only make certain that personal data is not disclosed, but to also ensure that any sensitive statistical data is safeguarded as well as ensuring that no data pertaining to current investigations is disclosed which could potentially prejudice any subsequent criminal proceedings.

For the period covered in your request (Sept 2012 – Dec 2015) there have been 235,180 crimes recording on Nottinghamshire Police Force's Crime Management System. This would mean that 235,180 data entries would be required to be reviewed and sanitised prior to any disclosure being made. Even at a conservative estimate of 10 minutes to review and sanitise each data entry, this would mean that 39196.67 hours' worth of work would be required to ensure that the data was sufficiently anonymised and ready for public disclosure. This equates to approximately 1,633 days' work. At a time where resources in public authorities are already severely stretched, such work cannot be justified. The work which would be required to be undertaken to produce the end product being requested is not proportionate to that end product being in the public interest particularly when you consider that similar crime statistics are already available in the public domain through a variety of other means such as the police.uk website, the British Crime Survey and locally produced crime statistics.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Section 14(1) of the act being applied.

Although you may be disappointed by this approach, I would stress that such protection exists within the legislation in order to ensure that applicants use their rights to seek information responsibly and public authorities are not overwhelmed by over burdensome requests.

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