



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

Reply to: Claire Buckley

Tel No: 01953 424455

5th June 2015

Dear Member of the Public

Freedom of Information Request FOI/OPCCN/74

I am writing in connection with your email dated 8th May 2015, in which you requested the following information:

“Please can you tell me whether the PCC, or any employee of the PCC’s office, has been charged with any criminal offence since 1 January 2014, and if so:

- 1. The name of the individual concerned**
- 2. The date set for their first appearance in court**
- 3. What they were charged with”**

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at section 1(1)(b) is to disclose the information that has been confirmed as being held. Where exemptions are relied upon, section 17 of the 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.

The Office of the Police and Crime Commissioner for Norfolk (OPCCN) can neither confirm or deny that it holds any information, relevant to your request, as the duty in section 1(1)(a) of the FOIA does not apply by virtue of the following exemption:-

- Section 40(5) Personal Information

The duty to neither confirm nor deny under this section of the Act arises where the disclosure of the information into the public domain would contravene any of the principles of the Data Protection Act 1998.

Irrespective of what information the OPCCN may or may not hold, any request which has potential to identify a third person, 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.

No inference should be taken from this response that information is or is not held.

Yours sincerely

CBuckley

Claire Buckley
Freedom of Information Officer
Office of the Police and Crime Commissioner
For Norfolk.