

Reply to: Leah Smith

Tel No: 01953 423506

17th July 2023

Dear Member of Public,

Re: Freedom of Information Request FOI/OPCCN/222

I am writing in connection with your email dated 15 June 2023 and further confirmation received 19 June 2023, in which you requested the following information:

1. A copy of your organisation's Records of Processing Activity (ROPA) as defined in Article 30 of the UK General Data Protection Regulation (UK GDPR).
2. A copy of all legitimate interest assessments conducted by your organisation where you rely on Article 6(1)(f) legitimate interests as your lawful basis for processing.
3. A copy of all privacy impact assessments conducted by your organisation.
4. A copy of all data protection impact assessments conducted by your organisation.
5. A copy of all international transfer risk assessments conducted by your organisation.
6. A recent copy of your organisation's data protection compliance assessment using the Information Commissioner's Office (ICO)'s accountability framework template. If you are using your own standards to monitor compliance with the Data Protection 2018, please provide me with copy of it.
7. A copy of your organization's data protection policy.
8. A copy of your organization's subject access request policy, procedures, and processes, including any guidance material such as folder structure, naming conventions, and redaction guides.
9. A copy of your organisation's privacy notices, including but not limited to employees, customers, ministers, special advisors (SPADs), complaints, NEDS, visitors, and CCTV.
10. A copy of your organisation's due diligence questions for vendor management such as independent data controllers or processors.

I understand that under the Freedom of Information Act, you are required to respond within 20 working days. To stay within section 12 - cost limits, I suggest asking your Data Protection Officer for the information. If this is not possible, I suggest a search of your compliance platform and your Microsoft estate for the following search terms (not case sensitive):

1. "records of processing activity" OR "ropa"
2. "legitimate interest assessment" OR "LIA"

3. "privacy impact assessment" OR "privacy impact assessments" OR "PIA"
4. "data protection impact assessment" OR "DPIA"
5. "transfer risk assessment" AND "personal data"
6. "accountability framework" "

I have reviewed our records and can advise the following:

1. The application cannot be released as it contains information that is exempt from publication under Section 31 of the Freedom of Information Act 2000 (the Act) relating to Law Enforcement. More information about the exemption is provided below.

Section 31(1)(a) the prevention or detection of crime is a qualified and prejudice-based exemption and, as such, I am required to apply the public interest test and evidence the harm in disclosure.

Harm: In this particular case the requester has requested copies of completed documents regarding data protection processes carried out by the Office of the Police and Crime Commissioner for Norfolk (OPCCN). To disclose this information would disclose security procedures and locations of documentations, systems, and suppliers. This would have an adverse effect on not only the OPCCN but Norfolk Constabulary and any partners named within the requested information.

Public Interest Test:

Factor favouring disclosure – disclosure of this information would provide awareness to the public of the data processed by the OPCCN.

Factor favouring non-disclosure – disclosure of this information would compromise security procedures carried out by both the OPCCN and Norfolk Constabulary and locations of documentations, systems and suppliers, additionally presenting a risk of cyber-attack.

Balance test:

Following careful consideration of the advantages and disadvantages of disclosure, it falls on this office to conduct a balance test. It is clear that releasing this information could comprise the OPCCN and Norfolk Constabulary as well as putting the general public and members of staff's data at risk. The office will not disclose information that places the public at risk unless the public interest in doing so is more powerful than that risk. In this case there would be no real community benefit by the release of the information, which is the focus in considering the public interest. I therefore consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. No information held by the OPCCN.
3. (and 4.) The application cannot be released as it contains information that is exempt from publication under Section 31 of the Freedom of Information Act 2000 (the Act) relating to Law Enforcement and Section 40(2). More information about the exemptions is provided below.

Section 31(1)(a) the prevention or detection of crime is a qualified and prejudice-based exemption and, as such, I am required to apply the public interest test and evidence the harm in disclosure.

Harm: In this particular case the requester has requested copies of completed documents regarding data protection processes carried out by the Office of the Police and Crime Commissioner for Norfolk (OPCCN). To disclose this information would disclose security procedures and locations of documentations, systems, and suppliers. This would have an adverse effect on not only the OPCCN but Norfolk Constabulary and any partners named within the requested information.

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Following careful consideration of the advantages and disadvantages of disclosure, it falls on this office to conduct a balance test. It is clear that releasing this information could comprise the OPCCN and Norfolk Constabulary as well as putting the general public and members of staff's data at risk. The office will not disclose information that places the public at risk unless the public interest in doing so is more powerful than that risk. In this case there would be no real community benefit by the release of the information, which is the focus in considering the public interest. I therefore consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The general policy of the OPCCN is not to disclose, to a third party, personal information about another person. This is because we have obligations under the Data Protection Act and in law generally to protect this information. Your request for personal information has been considered in line with our obligations under the Freedom of Information (FOI) Act. However, we have concluded that the information you have requested is exempt from disclosure under section 40(2) of the FOI Act. This exempts personal data if disclosure would breach any of the data protection principles.

4. As above in point three.
5. No information held by the OPCCN.
6. No information is held by the OPCCN. The OPCCN's last compliance assessments are outside scope of 'recent' and therefore no longer held. However, the OPCCN does conduct regular database compliance audits, the template for which I have attached separately.
7. This can be found on our website here: [Privacy policy | Norfolk PCC \(norfolk-pcc.gov.uk\)](https://www.norfolk-pcc.gov.uk/privacy-policy)
8. We do not hold a separate policy on Subject Access Request, however more information can be found here: [Freedom of information | Norfolk PCC \(norfolk-pcc.gov.uk\)](https://www.norfolk-pcc.gov.uk/freedom-of-information). Our GDPR policy and Retention Schedule can be found here: [Privacy policy | Norfolk PCC \(norfolk-pcc.gov.uk\)](https://www.norfolk-pcc.gov.uk/privacy-policy). Our guidance on naming conventions is attached separately.
9. Our privacy notice is on our website at the above link in point seven.
10. This information is not held by the OPCCN, but rather may be held by Norfolk Constabulary.

Yours sincerely

L. Smith

Leah Smith

Complaints and Compliance Manager and FOI Decision Maker
Office of the Police and Crime Commissioner for Norfolk

Internal Review

If you think we have not supplied information in accordance with Section 1 (the General Right of Access) of the Freedom of Information Act 2000, or you are dissatisfied with the way in which your request has been handled, then you should write within 40 days of the date of the response to:

Mark Stokes
Chief Executive
Office of the Police and Crime Commissioner for Norfolk
Building 7
Falconers Chase
Wymondham
Norfolk
NR18 0WW

Telephone: 01953 424455

Email: opccn@norfolk.police.uk

If you are dissatisfied in any way with our response or the way we have handled your request, you can contact us by phone, email or in writing. We may, in the first instance, try and resolve your complaint informally. However, at any stage you can request or we may decide to treat your complaint formally under our internal review process.

An internal review is conducted by the Chief Executive who will review the request and response, taking account of your complaint(s), and will respond in writing as soon as possible. The Information Commissioner's Office recommends that a response should be made in 20 working days. If we are unable to respond in this timeframe we will inform you and provide a date by which you should expect to receive our response.

If, after the internal review, you remain dissatisfied then you can complain to the Information Commissioner's Office, the government regulator for the Freedom of Information Act. Details of how to contact the Information Commissioner's Office can be found at www.ico.org.uk