



NORFOLK
CONSTABULARY
Our Priority is You

13th June 2018

Freedom of Information Request Reference N^o: FOI 001550/18

I write in connection with your request for information received by Norfolk Constabulary on the 30th April 2018 in which you sought access to the following information:

I request copies of all communications between the Norfolk Police and other parties with regard to my planned presentation event at Norwich City Football Club on April 30th 2018.

Response to your Request

The response provided below is correct as of 30th April 2018.

Norfolk Constabulary has located the following information as relevant to your request.

Please see below email correspondence regarding the planned presentation event at Norwich City Football Club on 30th April 2018. Any personal information of third parties, including details of Police Officers and Staff in the Constabulary below the rank of Inspector or Police Staff Equivalent, has been redacted due to exemptions within the Act. Section 31 has been engaged where it is deemed disclosure would impact on the Constabulary's law enforcement.

Email 24/04/2018 17:40 (Exempt – Sections 31 & 40)

Email 25/04/2018 06:41 CI Lynne Cross to (Exempt - Section 40) (copied to J Inns)

Good morning

Absolutely nothing.

Julie,

Have you heard anything?

I know several have been cancelled around the Country when venues have realised who he is but nothing so far either way.

Email 25/04/2018 09:13 CI Lynne Cross to N Paling, G Dalton, J Colbert, M Austin, D Cocks, R Watkins

Team,

David Icke is reportedly holding an 'event' in Norwich on 30th April 2018.

Enquiries to date have failed to identify a location.

Can you task your Beat Managers to keep their ear to the ground and see if they can identify any location?

If you have not heard of him, David Icke is a controversial conspiracy theorist and some of our communities (Exempt – Section 31) in Norwich are very concerned about his messaging.

He was previously coming to Norwich in March but the Council cancelled the event once they realised. See the EDP for any more info!

..... (Exempt – Section 31)

Thanks,

Email 25/04/2018 08:29 (Exempt – Section 40) to CI Lynne Cross & Julie Inns

Dear both

So frustrating because it is still advertised as a Sold Out! (Exempt – Section 31) (Exempt – Section 40)

And thanks for prompt reply.

Email 25/04/2018 09:15 CI Lynne Cross to (Exempt – Section 40) & Julie Inns

We are actively trying to identify a location so if anything changes I will be in touch.

Kind regards

Email 25/04/2018 15:16 (Exempt – Sections 40 & 31)

Email 27/04/2018 09:56 (Exempt – Sections 40 & 31)

Email 27/04/2018 10:16 (Exempt – Sections 40 & 31)

Email 27/04/2018 10:40 (Exempt – Sections 40 & 31)

Email 27/04/2018 10:52 CI Lynne Cross to (Exempt – Section 40)

Perfect – thank you. I am also the Airport Commander (Exempt – Section 40)

We must meet up sometime.

Email 27/04/2018 12:16 (Exempt – Sections 40 & 31)

Email 27/04/2018 12:46 CI Lynne Cross to (Exempt – Sections 40)

Spookily I have already asked out Events Planning to make some enquiries.

We will see what they come back with.

Email 27/04/2018 14:18 DC (Exempt – Section 40) to CI Lynne Cross

There are several references to anti-Semitic views and Holocaust denial on open source

He gave a talk in Vancouver last year despite recommendations that it was cancelled. The City said that under the Charter of Rights and Freedoms “the city is not in a position to take action intended to censor speech that is otherwise permissible under Canadian law.”

In 1995 in his book ‘And The Truth Shall Set You Free’ he added Holocaust denial to his view of the world

This clip from the Campaign Against Anti-Semitism page is interesting, though:

- *David Icke’s antisemitic views have resulted in some venues cancelling bookings for his show in 2018. Central Hall in Southampton and St Andrew’s Hall in Norwich have both taken a highly principled stand. North West Friends of Israel have also been successful in causing the cancellation of Mr Icke’s events at the Lowry Hotel in Salford, Sheffield City Hall and the Gladstone Theatre in Wirral. It is disgraceful therefore that one of the country’s pre-eminent sporting institutions is willing to provide him with a platform. The Premier League is a funder of Kick It Out, professional football’s equality and inclusion organisation.*
- *It is shocking that Manchester United, one of the country’s most iconic sporting institutions is willing to give Mr Icke a platform, whether he intends to use it to promote his repugnant views about Jews or not. The directors of Manchester United have claimed to back the Kick It Out campaign to kick racism out of football, and if their words are to be believed then they must now act to cancel this event.*

It looks like Manchester United cancelled the booking the day after

I can’t find anything to say there’s been trouble at his talks, and I get the impression the offence is taken in the interpretation rather than what he actually says, but I’ve never heard him speak so don’t know for definite. There is a comment from one campaigner who thought his comments about lizards were references to Jews, but having protested at a number of his meetings and heard him speak he came round to the thought that he may actually be talking about lizards...

There appears to be little public support for Icke, and a lot of criticism for his views. However, the more circumspect reviewers seem to see him as a curiosity rather than a danger

Hope that helps, but if you need any more then please let me know

Email 27/04/2018 16:19 Cl Lynne Cross to ..., D Marshall, J Inns, (Exempt – Section 40)

Dear all,

I have been in contact with the Club and made them aware of the community concerns. After taking advice internally, they have taken the decision to cancel.

Email 27/04/2018 16:26 Julie Inns to Cl Lynne Cross, Exempt – Section 40)

Lynne,

Fantastic news (Exempt – Section 31)

Brilliant partnership working at its best, well done everyone.

Email 27/04/2018 16:26 Ch Supt David Marshall to J Inns, L Cross, (Exempt – Section 40)

Lynne/team,

Well done.

Email 27/04/2018 16:27 CI Lynne Cross to Julie Inns

I will send a slightly cryptic response to (Exempt – Section 40) as they have never confirm he was booked....

Email 27/04/2018 16:33 (Exempt – Sections 40 & 31)

Email 27/04/2018 16:33 CI Lynne Cross to (Exempt – Section 40) & Julie Inns

Good afternoon, (Exempt – Section 40)

By way of reassurance, my enquiries suggest you don't need to worry about NCFC.

Regards

Email 27/04/2018 16:33 (Exempt – Section 40)

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 information that has been confirmed as being held.

Section 17 of the FOIA requires the Constabulary, when refusing to provide such information (because the information is exempt) is to 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(s) apply.

The requested information is exempt from disclosure by virtue of the following exemptions:-

- **Section 40(2) - Personal Information**
- **Section 31(1)(a)(b) - Law Enforcement**

Section 31 is a qualified prejudice based exemption and we are therefore obliged to articulate the harm in disclosure and carry out a public interest test.

Section 40 – whilst section 40 is a class based absolute exemption and there is no requirement to consider the harm or public interest, there is a requirement under sub-section 40(2), if the information requested relates to third parties, to articulate why disclosure would breach the Data Protection Act 2018 principles.

Personal data means data that relates to a living individual who can be identified from that data or from that data and other data that is in the possession of, or likely to come into the possession of, the Data Controller. The Act states that, when reviewing personal information held by the Constabulary with a view to disclosure, the following should be considered:

- Principle (a) – lawfulness, fairness and transparency

The latest advice from the Information Commissioner, when applying the exemption at section 40(2), is to undertake the following:-

- You must identify valid grounds under the GDPR (known as a 'lawful basis') for collecting and using personal data.
- You must ensure that you do not do anything with the data in breach of any other laws.
- You must use personal data in a way that is fair. This means you must not process the data in a way that is unduly detrimental, unexpected or misleading to the individuals concerned.
- You must be clear, open and honest with people from the start about how you will use their personal data.

Once released under the Freedom of Information Act, the information is published on the Norfolk Constabulary website and is available to any internet user.

On the basis that releasing personal data into the public domain that could be linked to a living individual in a way that they would not expect, would not be fair and would be a breach of principle (a) of the Act.

Section 31 – Law Enforcement

Harm

Disclosure of information under the Freedom of Information Act 2000 (FOIA) is considered to be a release to the world and not only to the person requesting the information. Once released, the response letter is published on the Constabulary's website and is publicly available.

This therefore has to be taken into consideration when responding to requests under the Freedom of Information Act. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. If a disclosure is made that would identify members of the public, and information provided to the Constabulary, this would impact on the effectiveness or police procedures and investigations. The Police Service is reliant on members of the public coming forward with information that will assist enquiries. If a disclosure under the FOI Act were to impact on this flow of information, this would hinder the Constabulary's ability to prevent and detect crime.

Factors favouring disclosure

Transparency and openness are fundamental principles of the Freedom of Information Act. Providing the information requested would reassure the public that the Constabulary takes all reports seriously and carries out enquiries as appropriate. This would also provide the public with an understanding of the way in which the Constabulary carries out enquiries in relation to concerns received. The Police Service is publicly funded therefore the release of any information regarding policing activity is in the public interest.

Factors favouring non-disclosure

The current or future law enforcement role of the Constabulary may be compromised by the release of the requested information. Members of the public may not come forward with information, in the future, if they believe that the details may later be released under the Freedom of Information Act and made publicly available. In some cases this could lead to an increased risk of harm to victims of crime.

Balance

Whilst there is a public interest in the transparency of policing activity, the Police Service has a clear responsibility to prevent and detect crime and disorder, and to protect the communities we serve. It could be argued that the information contained within these emails is only relevant to this particular request but providing the details in this case could deter members of the public from providing information in the future. The Constabulary relies heavily on information to assist in enquiries and criminal investigations.

Anything that places the public at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service and they would be less likely to report incidents.

It is our therefore opinion that the balance lies in favour of non-disclosure by virtue of the exemption at section 31(1) Law Enforcement. This letter serves as a refusal notice under section 17(1) of the Freedom of Information Act.

This response will be published on the Constabulary's web-site under the Freedom of Information pages:-

<https://www.Norfolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

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/>

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 Norfolk Constabulary to review their decision.

Ask Norfolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Norfolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Norfolk Constabulary that you are requesting a review within 20 days 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
Information Management Department
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW
OR
Email: freedomofinformation@norfolk.pnn.police.uk*

In all possible circumstances Norfolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with 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.ico.org.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