

Data Protection Office
Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB
Tel: 01772 41332 / 412144
Email: FOI@lancashire.pnn.police.uk



Paul Ponting
Sent via email to: foirequests@foi-request.com

Date: 1 July 2019

Dear Mr Ponting

FREEDOM OF INFORMATION APPLICATION REFERENCE NO: DPO/FOI/001993/19

Thank you for your request for information received by Lancashire Constabulary on 03/06/2019 which was as follows:

I am writing to you under the Freedom of Information Act 2000 to request the following information relating to Det Sgt Mark Burns, a Lancashire police officer, mentioned in the following news article.

<https://www.lep.co.uk/news/crime/investigation-in-preston-police-officer-s-sleazy-order-1-7243471>

An article on the Lancashire Evening Post alleges that Det Sgt Mark Burns was under investigation for purchasing a thong from a 'young' woman through a fetish website. The allegation states that this thong purchased by Det Sgt Mark Burns was to be posted to him at work at a Lancashire police stations.

The allegations also suggest that Det Sgt Mark Burns then complimented the young woman's figure and then asked her to make a 'video' for him. I suspect this may have been of a sexual or pornographic nature.

Det Sgt Mark Burns was alleged to have said (relating to purchasing you women's underwear) "I ask for them to be posted to where I work. The big thing is I work in a police station. Is that OK with you? I've had pairs of pants delivered here before." suggesting this is not the only time he has done this.

- *What was the outcome of this investigation?*
- *Was it uncovered what video DS Mark Burns requested the young female to make for him was?*
- *Was the video request of a sexual nature?*
- *Was the video request legal?*
- *Did the video request involve payment?*
- *His comments suggest this is not a one off incident, how many other instances of this nature were discovered in the investigation?*
- *What criminal investigations has DS Mark Burns been involved in? The emphasis being predominantly cases that involve victims that are 'young woman'. (I would suggest an age up to 25 would be accepted for my query definition of young woman)*
- *Have Lancashire police force have considered whether Det Sgt Mark Burns was a risk to any victims he has had contact with in light of his clear fetish for underwear from young woman and other potential sexual requests from young woman. If so, what was the determination? If not, why not?*
- *I would like to know if there are any cases he has worked on that may raise questions about potential ethics and morals when dealing with vulnerable victims, especially young woman.*
- *Is it true that in light of these allegations, DS Mark Burns was promoted from Police*

Constable to Detective Sergeant in 2017, less than 2 years after this incident?

•Is it true that in light of this clear fetish for young woman, DS Mark Burns is now involved in Cybercrime investigations?

•Does his role involve any investigations of a sexual nature, especially of young woman? If so, do you think this is appropriate?

Your request has now been considered and the Constabulary's response is provided below.

Unfortunately we are unable to provide a response to this request as the information is felt to be exempt from disclosure under the Freedom of Information Act 2000 by virtue of the following exemption:

- **Section 40 (2) Personal Information**

Section 40 (2) creates an exemption under the Freedom of Information Act (FOIA) for personal information relating to third parties. The disclosure of third party data is exempt if the disclosure would be likely to breach the principles of General Data Protection Regulation (GDPR). Section 40 is an absolute class based exemption subsequently there is no requirement for me to apply the public interest test or evidence the harm in disclosure.

Disclosures under the FOIA are considered as disclosures "to the world" and therefore if we were to release this information we would be in breach of the first GDPR Principle, namely that 'processed lawfully, fairly and in a transparent manner'. This letter serves to act as a refusal notice for this request, as per S.17 (1) of the Act.

In addition, please be advised that the Freedom of Information Act places an obligation on the Lancashire Constabulary to confirm whether recorded information is held, however it does not extend to requests for explanations or provision of responses to general or hypothetical questions therefore we are unable to provide any further response.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to the Information Assurance Manager, Information Compliance and Disclosure Section, Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB or alternatively send an email to FOI@lancashire.pnn.police.uk. Details of the Constabulary's Freedom of Information Complaint Procedures can be found attached to this email.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Compliance Team

Data Protection Office