

Our Ref: 007258/15



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

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

10 November 2015

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 19/10/2015.

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

Please find below answers to your questions:-

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.

Under freedom of information legislation I am seeking the following information:

- The number of people suspected to be responsible for sex offences who are currently missing
- Their names, ages and pictures
- Details of the offence each individual is wanted in connection with and when it is suspected to have occurred, e.g. a rape in 1995
- Details of steps taken by the force to try to locate the suspect
- Any information on whether or not the suspect is believed to be abroad

CLARIFIED REQUEST received 20/10/2015

Under freedom of information legislation I am seeking the following information:

- The number of people suspected to be responsible for sex offences who are currently wanted or on warrant.

9 individuals currently.

- Their names, ages and pictures.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose 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) state (if that would not otherwise be apparent) why the exemption applies.

The information requested relates to personal data and so is exempt from disclosure by virtue of Section 40(1) of the Freedom of Information Act 2000.

40. – (2) Any information to which a request for information relates is also exempt information if –

- a) it constitutes personal data which do not fall within subsection (1),

This is an Absolute Class Based Exemption which means we do not have to consider the harm or conduct a Public Interest Test under the Freedom of Information Act.

This letter constitutes a refusal notice under Section 17(1) of the Freedom of Information Act 2000 with Section 40(2) being applied.

- Details of the offence each individual is wanted in connection with and when it is suspected to have occurred, e.g. a rape in 1995

Nottinghamshire Police are unable to provide this information as it would be exempt under Section 30(2) of the Freedom of Information Act 2000.

30. – (2) Information held by a public authority is exempt information if –

- a) it was obtained or recorded by the authority for the purposes of its functions relating to –
 - i) investigations falling within subsection (1) a) or b)
 - ii) criminal proceedings which the authority has power to conduct
 - iii) investigations (other than investigations falling within subsection (1) a) or b) which are conducted by the authority for any of the purposes specified in section 31

(2) and either by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under any enactment, or

iv) civil proceedings which are brought by or on behalf of the authority and arise out of such investigations, and

b) it relates to the obtaining of information from confidential sources

Section 30 is a class based qualified exemption, which requires a public interest test to be conducted. Upon completion of this process I am then required to ascertain where the balance in compliance with both my duty to confirm or deny that information exists and/or in disclosure of any relevant information. Please see below.

Evidence of Harm

In releasing information about the above incident it is possible it would have the effect of undermining any on-going and/or covert investigations as it could lead to individuals with criminal intent becoming aware of whether or not their activities have been detected and could ultimately compromise policing tactics, operations and future prosecutions.

Section 30 Public Interest Considerations

Factors favouring disclosure

The Police Service is tasked with the delivery of effective law enforcement ensuring the detection and prevention of crime and the public has a right to know that Nottinghamshire Police focuses its attention and responsibility to ensuring serious criminal offences are dealt with appropriately and efficiently.

Factors favouring non-disclosure

Disclosure of the information requested could lead to individuals with criminal intent becoming aware of whether or not their activities have been detected and could ultimately compromise policing tactics, operations and future prosecutions.

Balancing Test

The Police Service is tasked with protecting the community we serve and solving crime and there is a public interest argument in ensuring we are open and transparent with regard to policing investigations and operations. There is no doubt that for the issue outlined above any disclosure relating to investigation information could jeopardise those important roles.

It is therefore our opinion that the balance lies in favour of non-disclosure of the information at this time.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Section 30(2) of the act being applied.

Furthermore disclosure of this information would also have the potential to lead to the identification of an individual and be exempt under Section 40(2) of the Freedom of Information Act 2000, or the possible identification of a victim. Under Section 44(1) Prohibitions on Disclosure as the Sexual Offences Act

1992 extends the anonymity that was once given to victims of rape, to victims of most other sexual offences and therefore would be exempt.

- Details of steps taken by the force to try to locate the suspect

Nottinghamshire Police are unable to provide this information in relation to your request as this information would be exempt by virtue of Section 31(1) Law Enforcement of the Freedom of Information Act 2000.

Section 31(1) are prejudice based qualified exemptions which requires the prejudice (harm) to be evidenced and a public interest test to be carried out.

Upon completion of this process I am then required to ascertain where the balance in compliance with both my duty to confirm or deny that information exists and/or in disclosure of any relevant information. Please see below.

31. – (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders

Overall Harm for Section 31(1)(a)(b)

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these objectives police forces rely on intelligence from a variety of different sources.

The release of data relating to investigations could provide criminals with information that could be used to aid them in the commission of offences or evading detection. The release of information may prevent sources of intelligence wanting to assist the police further or on other occasions.

The prevention and detection of crime is the foundation upon which policing is built and the Police Service has a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large and to disclose information which could assist criminals has potential to undermine the operational integrity of operations and will adversely affect public safety.

Public Interest Considerations

Section 31

Considerations favouring disclosure

One of the underlying principles of the Freedom of Information Act is the need for authorities to be more open and transparent. In this case, to disclose

information relating to investigations and processes used would reassure the community that the Police was constantly exploring all possible avenues to work towards the prevention or detection of crime; the apprehension or prosecution of offenders and also to protect the public.

Considerations favouring non-disclosure

Disclosure of the information may enable individuals or criminal organisations to identify information that could be used to aid them in the commission of offences or evading detection. Should this happen this would undermine on-going investigations, reveal policing techniques, risk the identification of individuals and risk undermining National Security in relation to National Policing systems.

Balance Test

The Police Service will not divulge information if to do so would prejudice National Security, place the safety of any individual at risk or undermine the rule of law and order. Whilst there is a public interest in the transparency of policing operations, and in this case, how a force conducts investigations and steps taken, there is a very strong public interest in safeguarding the operational integrity of the police in this highly sensitive area, as a breach of this will adversely affect public safety and have a negative impact on both national security and law enforcement. Knowing that the delivery of law enforcement is appropriate and balanced will only be overridden in exceptional circumstances. It is our opinion that for these issues the balancing test for disclosure is not made out.

This letter constitutes a refusal notice under Section 17(1) of the Freedom of Information Act 2000 with Section 31(1)(a)(b) being applied.

- Any information on whether or not the suspect is believed to be abroad

3 of the 9 suspects are believed to be abroad.

I would be grateful if you could respond to this request via email. Please accept this as clarification on an earlier request, which used the word "missing" instead of "wanted or on warrant".

AGGREGATED REQUEST

A copy of every problem profile carried out by or on behalf of your force since 2009 into child sexual exploitation, including online and street grooming.

Nottinghamshire Police are unable to provide this information in relation to your question as this information would be exempt under the following sections of the Freedom of Information Act 2000.

Section 23(1) Information supplied by or concerning certain Security Bodies

Section 31(1) Law Enforcement
Section 40(2) Personal Information

23. – (1) Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).

31. – (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders

40. – (2) Any information to which a request for information relates is also exempt information if –

- a) it constitutes personal data which do not fall within subsection (1),

Sections 23 and 40 are an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Overall Harm for Section 31(1)(a)(b)

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these objectives police forces rely on and both overt and covert policing methods and tactics.

The release of data relating to Problem Profiles could provide criminals with information that could be used to aid them in the commission of offences or evading detection. The release of a vast quantity of sensitive tactical information would cause considerable harm to policing if disclosed.

The prevention and detection of crime is the foundation upon which policing is built and the Police Service has a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large and to disclose information which could assist criminals has potential to undermine the operational integrity of operations and will adversely affect public safety. To disclose tactics would render the methods used less effective and as well as undermining policing, result in new tactics needing to be developed and

employed. This may take a considerable amount of time and crime may increase while this is being done.

Public Interest Considerations

Section 31

Considerations favouring disclosure

One of the underlying principles of the Freedom of Information Act is the need for authorities to be more open and transparent. In this case, to disclose information relating to investigations and processes used would reassure the community that the Police was constantly exploring all possible avenues to work towards the prevention or detection of crime; the apprehension or prosecution of offenders and also to protect the public.

Considerations favouring non-disclosure

Disclosure of the information may enable individuals or criminal organisations to identify information that could be used to aid them in the commission of offences or evading detection. Should this happen this would undermine ongoing investigations, reveal policing techniques, risk the identification of individuals and risk undermining National Security in relation to National Policing systems.

Balance Test

The Police Service will not divulge information if to do so would prejudice the integrity of Police Investigations, place the safety of any individual at risk or undermine the rule of law and order. Whilst there is a public interest in the transparency of policing operations, and in this case, how a force conducts investigations and steps taken, there is a very strong public interest in safeguarding the operational integrity of the police in this highly sensitive area, as a breach of this will adversely affect public safety and have a negative impact on both national security and law enforcement. Knowing that the delivery of law enforcement is appropriate and balanced will only be overridden in exceptional circumstances. It is our opinion that for these issues the balancing test for disclosure is not made out.

This letter constitutes a refusal notice under Section 17(1) of the Freedom of Information Act 2000 with Section 31(1)(a)(b) being applied.

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