

Our Ref: 001722/17



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

**Tel:** 101  
**Ext** 800 2507  
**Fax:** 0115 967 2896

23 March 2017

Dear

**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 27/02/2017.

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

**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.

Please find below answers to your questions:-

**Please provide me with a breakdown of all crimes relating to female genital mutilation recorded by your force for each of the following calendar years:**

**2014; 2015 and 2016**

I can advise that 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 and Section 44(1) Prohibitions on Disclosure of the Freedom of Information Act 2000.

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



Section 44(1) is an absolute exemption which means we do not have to consider the harm or conduct a Public Interest Test under the Freedom of Information Act.

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

**44. – (1)** Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it—

- a) is prohibited by or under any enactment,
- b) is incompatible with any [F1EU] obligation, or
- c) would constitute or be punishable as a contempt of court.

### **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 Sections 31(1)(a)(b) and Section 44(1) 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](mailto: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](mailto: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](mailto:casework@ico.org.uk)