

Our Ref: 003421/13



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

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

12 May 2013

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 15 April 2013.

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.

- 1. For the financial year 2012/2013 how many crimes have been reported to your force where `eBay has been the venue of the crime or included in the offence/occurrence summary or M.O? Please could you also provide me with a list of the number of each type of crime reported.***
- 2. For 2012/2013 how many crimes have been reported to your force where Facebook has been an element of the crime reported? Please provide a breakdown of those offences.***

Please find the results in the form of the below table. In relation to question 1, I must advise you that this information was found as a result of using a free text search of the key words 'Ebay' within the Crime Recording Management System therefore, we would not be able to definitively establish that the 'venue for these crimes' is recorded as Ebay only that the crimes involved Ebay in some capacity.

HO Offence Group	Facebook or Ebay			Total
	Ebay	Ebay & Facebook	Facebook	
Criminal Damage	0	0	3	3
Drugs	0	0	2	2
Fraud & Forgery	17	0	1	18
Other	0	0	10	10
Sexual Offences	0	0	15	15
Theft	16	0	15	31
Violence against Person	0	2	63	65
Total	33	2	109	144

3. Where the offences listed in Q2 include Sexual Offences please provide a copy of the M.O accepting that all personal data will be redacted.

It is publicly acknowledged that the police use social networking as a surveillance tool for their investigations. To disclose the requested information could potentially lead to the identification of current investigations and therefore compromise law enforcement effectiveness and the criminal justice system. Therefore we can neither confirm nor deny that we hold any other information in relation to your request by virtue of Section 23(5) Information relating to Security bodies; Section 24(2) National Security; Section 30(3) Investigations and Section 31(3) Law Enforcement.

In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the successful arrest and prosecution of those who commit or plan to commit acts of terrorism. In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the UK and Internationally in order to support counter-terrorism measures in the fight to deprive international terrorist networks of their ability to commit crime.

It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any of the terrorist threats in the past. Since 2006, the UK Government have published the threat level, based upon current intelligence and that threat has remained at the second highest level, 'severe', except for two short periods during August 2006 and June and July 2007, when it was raised to the highest threat 'critical'.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. To do this the police require evidence and that evidence can come from a number of sources, some of which is obtained through covert means. Having obtained sufficient evidence offenders are charged with offences and placed before the courts. By confirming or denying that any other information

pertinent to this request exists could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Factors favouring confirmation or denial for S24 –The public are entitled to know how public funds are spent and by confirming or denying when and how social networks are used by the police service could lead to a better-informed public that can take steps to protect themselves

Factors against confirmation or denial for S24 – By confirming or denying that any other information relevant to the request exists would render Security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial for S31 - By confirming or denying when or how the police service monitor social network sites, would enable the public to see where public funds are being spent. Better public awareness may reduce crime or lead to more information from the public.

Factors against confirmation or denial for S31 - By confirming or denying that any other information relevant to the request exists, law enforcement tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed and individuals placed at risk.

Factors favouring confirmation or denial for S30 - By confirming or denying when or how the police service monitor social network sites, would enable the public to obtain satisfaction that all investigations are conducted properly and that their public money is well spent.

Factors against confirmation or denial for S30 - By confirming or denying that any other information relevant to the request exists, would hinder the prevention or detection of crime, undermine the partnership approach to law enforcement , which would subsequently affect the force's future law enforcement capabilities.

Balance test - The security of the country is of paramount importance and the Police service will not divulge whether information is or is not held if to do so could undermine National Security or compromise law enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a

very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances. Therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information relevant to your request exists is not made out.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. The force is already held to account by statute, for example the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act and independent bodies such as Her Majesty's Inspectorate of Constabulary and the Independent Police Complaints Commission. Our accountability is therefore not enhanced by confirming or denying that any other information is held.

None of the above can be viewed as an inference that any other information does or does not exist.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Sections 23(5) Information relating to Security Bodies, 24(2) National Security, 30(3) Investigations and 31(3) Law Enforcement of the act being applied.

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).

(3) The bodies referred to in subsections (1) and (2) are –

- a) the Security Service
- b) the Secret Intelligence Service
- c) the Government Communications Headquarters
- d) the special forces
- e) the Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000
- f) the Tribunal established under section 7 of the Interception of Communications Act 1985
- g) the Tribunal established under section 5 of the Security Service Act 1989
- h) the Tribunal established under section 9 of the Intelligence Services Act 1994
- i) the Security Vetting Appeals Panel

- j) the Security Commission
- k) the National Criminal Intelligence Service, and
- l) the Service Authority for the National Criminal Intelligence Service
- m) the Serious Organised Crime Agency

(5) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1 (1) a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3).

24. – (1) Information which does not fall within section 23 (1) is exempt information if exemption from section 1 (1) b) is required for the purpose of safeguarding national security.

(2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1 (1) a) is required for the purpose of safeguarding national security.

30. – (1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of –

- a) any investigation which the public authority has a duty to conduct with a view to it being ascertained –
 - i) whether a person should be charged with an offence, or
 - ii) whether a person charged with an offence is guilty of it
- b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or
- c) any criminal proceedings which the authority has power to conduct

(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

(3) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1) or (2).

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

c) the administration of justice

d) the assessment or collection of any tax or duty or of any imposition of a similar nature

e) the operation of the immigration controls

f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained

g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)

h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or

i) any inquiry held under the Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act 1976 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1 (1) a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

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?

If so, prior to lodging a formal complaint, you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision reconsidered is to telephone the case officer that is identified at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Formal Independent Review

If you are dissatisfied with the handling procedures or the decision made by Nottinghamshire Police under the Freedom of Information Act 2000, you can request an Independent Review.

Upon receipt for a review of the initial request response, an independent audit officer from Information Management will review the request and assess whether it has been satisfactorily processed in accordance with policy and procedure.

Requests for Independent Reviews requests should be made in writing to-

Force Information Manager
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

The Audit officer will record and communicate his/her decision to the information requester within 20 working days.

Appeals

If the findings of the formal independent review do not meet your approval, you can register an appeal against the decision.

An investigation will then take place by the Freedom of Information officer, which will be reported and presented to the Internal Appeal Board. This will include a full account of the reasoning for or against disclosure and the application of any relevant exemptions.

The Internal Appeal Board will consist of at least a member of the Chief Officer Team, a member of the Legal Team and the Force Information Manager.

Appeals should be registered in writing to:

Freedom of Information Officer
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

Alternatively E-mail: Freedomofinformation@nottinghamshire.pnn.police.uk

Or call: 01159672507

Applications to the Information Commissioner

If you then remain dissatisfied, you may make an application 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 an application to the Information Commissioner, please visit their website at www.informationcommisioner.gov.uk

Alternatively, Write to:

Information Commissioner's Office
Wycliffe House
Water lane
Wilmslow
Cheshire
SK9 5AF

Or call: 01625 545700.