

Our Ref: 006463/15



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

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

13 October 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 21/09/2015.

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 21 (1) of the Freedom of Information Act 2000 (FOIA), Nottinghamshire Police as a public authority is not required to disclose information which is reasonably accessible by other means.

**Please could you list the names of the current Nottinghamshire Police child sexual abuse Operations, the date it started and a brief description of each one.**

This information is reasonably accessible by other means under:

**21. – (1)** Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

**(2)** For the purposes of subsection (1) –

- a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
- b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other

person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2) b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

With regard to your request the information you require can be found on our Nottinghamshire Police website at the address below.

<http://www.nottinghamshire.police.uk/advice/rape/operations>

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Section 21 (1) of the act being applied.

Nottinghamshire Police can neither confirm nor deny that it holds any other information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 23(5) Information Supplied by, or concerning, certain Security Bodies  
Section 30(3) Investigations (by virtue of Section 30(2))  
Section 31(3) Law Enforcement (by virtue of Section 31(1))  
Section 40(5) Personal Information

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case. Confirming or denying existence of information held would contravene the constrictions laid out with Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

Section 30 is a class based qualified exemption. There is a requirement to consider the public interest to ensure neither confirming nor denying that information is held is appropriate.

Section 31 is a prejudice based qualified exemption which means the evidence of harm 'prejudice' needs to be evidenced and the public interest considered to ensure neither confirming nor denying information is held is appropriate.

### **Harm in Confirming or Denying that Information is held (Section 31)**

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. To confirm or not that information is held with regard to currently active investigations by Nottinghamshire Police into offences of child sexual exploitation would be inappropriate as it would reveal actual policing activity.

In this case it is identified that the impact of confirming or denying information is held has potential to undermine on-going investigations. In addition, the partnership approach between national agencies and law enforcement agencies would also be compromised which would affect the effective delivery of operational law enforcement by all partnerships involved in an investigation.

If this request was received nationally, confirming or denying that information exists would reveal a national activity schedule for investigations into these types of offences and could lead to offenders destroying evidence to avoid apprehension and going 'underground' by moving to another area which they feel would be 'safer' to carry out their offending behaviour. This would ultimately place the safety of individuals at an increased risk.

### **Public Interest Considerations** **Section 30**

#### **Factors favour complying with Section 1(1)(a)**

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Confirming that information exists could promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations. It could also provide reassurance to the public that Nottinghamshire Police conduct investigations appropriately. Confirmation may allow the public to have a better understanding of the effectiveness of the Police Service.

The issue of child sexual exploitation is a highly emotive subject area often attracting high profile media and public interest connotations. Confirmation or denial that information exists could provide reassurance to the general public.

#### **Factors against complying with Section 1(1)(a)**

Modern-day policing is intelligence led and Nottinghamshire Police share information with other law enforcement agencies as part of their investigative process. To confirm or not where investigations into offences described within the request are active, could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Should offenders take evasive action to avoid detection police resources may well be diverted from frontline duties and other areas of policing in order to locate and apprehend these individuals. In addition the safety of individuals and victims would be compromised.

## **Balancing Test**

Public safety and the ability to deliver effective law enforcement are of paramount importance. Confirmation or denial (by citing an exemption or stating no information held) would undoubtedly compromise both law enforcement and the health and safety of an individual. Therefore, at this moment in time, it is our opinion that for these issues the balancing test against confirming whether information is or isn't held is not made out.

No inference can be taken from this refusal that the information you have requested does or does not exist.

## **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)