

Our Ref: 007270/15



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

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

11 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 provide me with the following information about referrals to your force, from the "Anti-Slavery Hotline" (run by the NSPCC on behalf of the Home Office).

- 1. How many calls to the Anti-Slavery Hotline were referred for investigation by your force, between September 30th 2014 and October 1st 2015?***
- 2. For each referral, please list:***
 - (a) Age, sex and nationality of alleged victim***
 - (b) Whether the referral led to any arrests or criminal charges***

NB. The Home Office have advised us that we should approach individual forces for this information.

Clarification to question 1 received 19/10/2015

- 1. How many calls to the Anti-Slavery Hotline were referred to your force for investigation, between September 30th 2014 and October 1st 2015?***

RESPONSE

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 exemptions in question and c) state (if that would not otherwise be apparent) why the exemption applies.

Nottinghamshire Police can neither confirm nor deny that it holds any information relevant to this request by virtue of the following exemptions:

Section 23(5) Information supplied by, or concerning, certain Security Bodies
Section 40(5) Personal Information
Section 30(3) Investigations
Section 31(3) Law Enforcement

Sections 23 and 40 are class based absolute exemptions and there is no requirement to evidence the harm or consider the public interest. However, in relation to Section 40 there is a requirement to articulate to the applicant which Data Protection Principle confirmation or denial that information is held would breach. In this case principle 1 fairness is relevant.

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying information exists is the appropriate response.

With Section 31 being prejudice based qualified exemptions, there is a requirement to articulate the harm that would be caused in confirming or not whether any information is held as well as carrying out a public interest test.

Harm in complying with Section 1(1)(a) – to confirm or not whether any information is or isn't held

The public expect police forces and other law enforcement agencies to use all powers and tactics available to prevent and detect crime or disorder and maintain public safety. Modern day slavery is a 'hot topic' at present as police forces and other agencies are striving to eradicate this type of offending behaviour.

The College of Policing Authorised Professional Practice for Investigation is a public facing document and provides guidance on the key roles and principles of the process of criminal investigation. It includes guidance for both reactive and proactive investigations, from volume crime to major crime, see below link:

<https://www.app.college.police.uk/app-content/investigations/victims-and-witnesses/>

It clearly states within this APP that when working with victims the success of any investigation depends largely on the accuracy and detail of the material obtained from them. Although the questions submitted firstly ask for purely statistical data relating to the number of referrals the police have received via the hotline, and secondly a breakdown of each referral, confirmation or denial to the world that any information is held would undermine the confidentiality

expected by a victim who bravely reports to the police that they have been subject to this type of modern day slavery, as well as members of the public who provide intelligence into the force about this type of offending.

In addition the College of Police APP Information Management Module is a national standard adhered to by all police forces across England and Wales. Police information refers to all information obtained, recorded or processed for a policing purpose and includes information which is processed (known as data, including personal data) and information which has been subject to a process of evaluation (known as intelligence), see below link:

<http://www.app.college.police.uk/app-content/information-management/?s>

Confirmation or denial that information is held relevant to this request would undermine the APP for both Investigations and Information Management.

Furthermore, to confirm or deny whether information is held in this case has the potential to undermine the flow of information (intelligence) received from members of the public into the Police Service and other outside agencies relating to these types of offences. Confirmation or denial would also undermine both on-going investigations, the APP for Investigations and also the APP for Information Management. This in turn could lead to police officers having to be removed from their frontline duties in order to increase manpower on an investigation.

In order to ensure Nottinghamshire Police delivers effective law enforcement we liaise with various other national agencies to provide suitable support. Not only would police investigations be compromised but any enquiries or investigations that other agencies may be undertaking would also be compromised.

Public Interest Considerations

Section 30

Factors favouring complying with Section 1(1)(a)

Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Nottinghamshire Police robustly investigate referrals to us from outside agencies. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and would also promote public trust in providing transparency and demonstrating openness and accountability into whether the police are currently focusing their investigations.

The public are also entitled to know how public funds are spent, particularly in the current economic climate.

Anti-slavery offences attract media and public interest connotations. Confirmation or denial that any other 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 investigation process. To confirm or not whether victims have reported allegations of

serious sexual offences 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.

Section 31

Factors favouring complying with Section 1(1)(a)

There is formal acknowledgement, media speculation and rumour within the public domain relating to modern-day slavery, examples of this can be found below, and this fact alone can be considered to be a factor for disclosure.

<http://www.itv.com/news/meridian/update/2014-03-26/police-investigate-slavery-operation/>

<http://www.itv.com/news/meridian/update/2014-03-26/police-investigate-slavery-operation/>

<http://www.bbc.co.uk/news/uk-england-london-13470956>

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

Confirming whether or not information is held in this case would suggest that Nottinghamshire Police take their responsibility to protect confidential information provided to them seriously and appropriately to ensure the effective delivery of operational law enforcement.

In addition, Nottinghamshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information (by citing an exemption of stating no information held) to an offender that they could use to their advantage could compromise public safety as it may encourage offenders to carry out further crimes.

Nottinghamshire Police relies on information being supplied by the public and other agencies. Irrespective of what information is or isn't held, by applying substantive exemptions would indicate that information is held and is currently being investigated. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Balancing test

The points above highlight the merits of confirming or denying that information pertinent to this request exists. The Police Service relies heavily on the public providing information to assist in criminal investigations and has a duty to protection and defend vulnerable individuals. The public has an expectation that any information they provide will be treated with confidence and in line with the College of Policing APPs mentioned within the harm. Anything which places that confidence at risk, no matter how generic, would undermine the trust and confidence individual have in the Police Service.

In addition, the effective delivery of operational law enforcement takes priority and is at the forefront of Nottinghamshire Police to ensure the prevention and

detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained. This includes ensuring our relationship with other law enforcement agencies runs smoothly in the joint approach to multi-agency investigations.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held is not made out.

No inference can be taken from this refusal that information 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 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