

Our Ref: 007764/15



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

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

19 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 29/10/2015.

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

Please find below answers to your questions:-

For the years 2013, 2014 and so far in 2015, could you provide the following information please?

- 1. How many offences your force has recorded where the key term `Grindr` has been used? (E.g. where the word `Grindr` has been mentioned in the MO field of a crime report).***
- 2. How many offences your force has recorded where the key word `Tinder` has been used? (E.g. where the word `Tinder` has been mentioned in the MO field of a crime report).***
- 3. If it falls within the cost limit, details of the types of offences involving Grindr and/or Tinder recorded by your force (e.g. sex assault, robbery), and numbers for each type.***

RESPONSE

2013 – No information held

2014 – No information held

2015 – One record located which is currently still under investigation at this time. Further information in respect of this matter is exempt under S30 of the Act: Criminal Investigations.

Section 30 is a class based qualified exemption which means there is no need to evidence the harm which would be caused by disclosure but the public interest must be considered.



Factors favouring disclosure

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Disclosure of information in relation to the above social media sites could promote public trust in providing transparency and demonstrating openness and accountability into where the Police are focussing their investigations.

The issue of offences arising from interactions on social media sites is a subject area which often attracts media attention and public interest connotations. Disclosure could provide reassurance to the general public that Nottinghamshire Police take seriously any allegations concerning social media sites and conduct investigations appropriately. This would allow the public to have a better understanding of the effectiveness of the Police service.

Factors against disclosure

Disclosure of the requested information could lead to the identification of a particular investigation and therefore compromise that investigation and any subsequent criminal proceedings. It could lead to offenders being alerted to Police investigations and going 'underground' or changing location to avoid detection. It may also lead to the possible destruction of any evidence in relation to this and other investigations by possible suspects and would therefore hinder the prevention and detection of crime and the apprehension of offenders which are key roles of the Police Service. Should an investigation be compromised by the premature disclosure of information, this could lead to potential offenders going unpunished which would place the public at greater risk.

Balance Test

There is a public interest in the transparency of Policing and providing reassurance that allegations/reports of offences concerning social media sites are dealt with appropriately, and in the accountability of the Police and how they operate.

There is also strong public interest in safeguarding the integrity of Police investigations. Disclosure of information pertaining to current investigations may undermine investigations and compromise any subsequent proceedings meaning that offenders could go unpunished. There can be no public interest in compromising this process and the potential harm to current and/or future investigations outweighs any public benefit in disclosure of this information.

In addition any disclosure by Nottinghamshire Police that undermines on-going investigations, no matter how generic, would undermine any trust or confidence individuals have in us, therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held.

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

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

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

Section 23(5): Information concerning supplied by or certain security bodies

Section 30(5): Investigations

Section 31(5): Law Enforcement

Section 23 is an absolute exemption and therefore I am not required to consider the public interest in either confirming or denying whether any relevant information exists.

Sections 30 and 31 are qualified exemptions which mean that the public interest is required to be considered. Furthermore, Section 31 is a prejudice based exemption and therefore the harm caused by confirming or denying the existence of information should be articulated.

Overall harm for partial NCND

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 offenders. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative

impact on law enforcement.

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, and undermine the partnership approach to law enforcement, which would subsequently affect the force's future law enforcement capabilities.

Balance test

Whilst there is a public interest in the transparency of investigations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by offenders using social media, there is a very strong public interest 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 this type of matter, 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.

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