

Our Ref: 008789/15



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

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

05 January 2016

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 04/12/2015.

I am writing to request information regarding cases of Female Genital Mutilation (FGM). In particular I am seeking:

The number of reports of incidents of FGM received by your police force in September 2015 (1st Sept to 30 September)

The number of reports of incidents of FGM received by your police force from October 1st 2015 to October 30th 2015.

The number of reports of incidents of FGM received by your police force from October 31st, 2015 to November 30th 2015.

For all cases reported please also provide:

The age of the alleged victim.

Whether anyone has been arrested and subsequently charged, NFA'd or the case is on going.

RESPONSE

Nottinghamshire Police can neither confirm nor deny that it holds any information relevant to your request.

Section 1 of the Freedom of Information Act 2000 (FO IA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.



Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

Nottinghamshire Police can Neither Confirm Nor Deny that it holds the 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 40(5) Personal Information
Section 30(3) Investigations

The release of information under Freedom of Information is a release into the public domain and not just to an individual requesting it. To confirm that Nottinghamshire Police hold the requested information would in fact confirm information personal to those individuals. This would amount to a release into the public domain, of personal information in relation to the individuals concerned and would breach his/her data protection rights.

Although Section 40 is an absolute, class based exemption; a public interest test is required for the purposes of neither confirming nor denying that the information is held.

The duty to neither confirm or deny under this Section of the Act arises where the disclosure of the information into the public domain would contravene any of the data protection principles of Section 10 of the Data Protection Act 1998 or would do so if the exemptions in Section 33A(a) of that Act were disregarded.

Irrespective of what other information Nottinghamshire Police may or may not hold, any request which has potential to identify a third party, by citing an exemption, would attract a neither confirm nor deny response by virtue of Section 40(5) as it constitutes personal data of an individual other than the applicant and disclosure would contravene the first data protection principle which states in part that personal data shall be processed fairly and lawfully.

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

Background

The Code of Practice on the Management of Police Information, as recommended by the Bichard Inquiry and associated guidance, sets national standards for the management of police information, including intelligence

material, its physical security and the security of sensitive material, such as personal information. They are the authority on all questions of integrity of intelligence material and must be included as part of the operational protocols of the National Intelligence Model.

The National Intelligence Model is adhered to by all police forces across England, Wales and Northern Ireland. It is a business process with an intention to provide focus to operational policing and to achieve a disproportionately greater impact from the resources applied to any problem. It is dependent on a clear framework of analysis of information and intelligence allowing a problem solving approach to law enforcement and crime prevention techniques.

The impact of confirming or denying whether any information is held with regard to this request, as well as with regard to any other information that may or may not be held, which relates to female genital mutilation offences, has the potential to undermine the flow of information (intelligence) received from members of the public into the Police Service and undermining both on going investigations and the Management of Police Information guidance. This could in turn lead to police officers having to be removed from their frontline duties in order to increase manpower on an investigation.

Disclosing information which details whether or not Nottinghamshire Police is currently investigating suspected offences of FGM or facilitating FGM, no matter how generic, becomes more meaningful if there is a risk of a person or persons being identified. While this is unlikely to happen amongst the general population, those involved in carrying out FGM offences, are often known to the victims and on occasions are family members themselves and these individuals may be able to draw a significant conclusion from any generic information disclosed. Such an action could lead to the informants being identified or even misidentified and the health and safety of those individuals placed at risk.

Public Interest Test — Section 40

Factors Favouring Confirmation or Denial that the Information is Held

To confirm or deny the existence of this information would promote transparency.

Factors Against Confirmation or Denial that the Information is Held

The breach of an individual's data protection rights would be caused by confirmation or denial. This is so whether or not the information is held, because if Nottinghamshire Police refused to confirm or deny only in cases where information is held then it may be reasonably concluded that information is held when NCND is used.

Public Interest Test - Section 30

Factors Favouring Confirmation or Denial that the Information is Held

Confirming or denying that any other information exists relevant to your request and irrespective of what other information may or may not be held, would lead to a better informed public that Nottinghamshire Police robustly investigate offences of female genital mutilation which may encourage individuals to provide intelligence in order to assist investigations and reduce crime.

Confirmation or denial would highlight where police resources are being targeted and the public are entitled to know how public funds are spent, particularly in the current economic climate. Confirmation that information exists relevant to FGM offences and investigations would lead to a better informed public which may encourage individuals to provide intelligence relating to offences which could assist the investigative process.

Factors Against Confirmation or Denial that the Information is Held

Confirmation or denial that information is held in this case would suggest that Nottinghamshire Police take their responsibility to appropriately handle and manage information provided by individuals to assist with criminal investigations flippantly and dismissively, resulting in the force's future law enforcement capabilities being affected.

Confirmation or denial that any other information is held in this case would suggest that Nottinghamshire Police does not take their responsibility to protect the safety of individuals seriously. It could also adversely affect public safety if offenders are provided with detail as to whether a victim has reported an offence of FGM to the police.

The Police Service relies on information being supplied by the public. Confirming or denying that information is held for these questions would act as a deterrent to the public to provide information (intelligence) to the force which would undermine public safety.

Confirmation or denial that information is held could lead to the loss of public confidence in Nottinghamshire Police's ability to protect the wellbeing of the community. Irrespective of whether other information is or isn't held, intelligence is used as a vital tool in ensuing all avenues and enquiries are carried out and exhausted with relates to reported offences. The safety and anonymity of members of the general public who provide this information is of paramount importance and any disclosure which could place the safety of those individuals at increased risk is not in the public interest.

Confirmation that any other information is held pertinent to this request, could lead to those individuals being targeted and physical harm caused to them by the offenders. In addition, information that causes speculation, e.g.

misidentification of informant, has in the past caused innocent people to be targeted

Balance Test

The points above highlight the merits of confirming or denying that any information pertinent to this request exists. The release of information under Freedom of Information is a release into the public domain and not just to an individual. The Police Service relies heavily on the public providing information to assist in criminal investigations and has a duty to protect and defend vulnerable individuals. The public has an expectation that any information they provide will be treated with confidence. Anything which places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service.

In addition, the effective delivery of operational law enforcement is of paramount importance to Nottinghamshire Police in our duty to ensure the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirmation or denial that information is held is not made out.

No inference can be taken from this refusal 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