



Freedom of Information Request Reference N^o: FOI 002402-19

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 2 July 2019 which you sought access to the following information:

1. *“Under the Freedom of Information Act please provide me with the current estimate of the number of organised crime gangs operating your police force boundary.*
2. *Please also provide the separate estimate of the number of OCGs from outside your boundary including overseas that impact upon your force.*
3. *What is the total number from the above two of OCGs that have had either no or no significant prosecution please?*
4. *Please also provide me with copies of the latest strategic threat assessment for your force plus one from as close to 2010 and 2002 as possible if they are not done annually.*

Clarification

It is the strategic threat assessment in relation to professional standards and counter corruption West Midlands Police has it as one document - if you have a wider one that contains it then it would be that document I am after please?”

Response to your Request

The response provided below is correct as of 16 July 2019

Suffolk and Norfolk Constabularies have considered your request for information and the response is below.

1. Suffolk and Norfolk Constabularies can confirm that information is held but the figures have not been provided due to exemptions within the Act.

Section 1 of the Freedom of Information Act 2000 (FOIA) 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 a 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 s17 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.

The specific exemption which applies to this question is:-

Section 31(1) – Law Enforcement

Section 31 is a qualified prejudiced-based exemption and there is a requirement to articulate the harm that would be caused in disclosing this information as well as carrying out a public interest test, both of which are outlined below.

Evidence of harm

Disclosure of information under the Freedom of Information Act 2000 (FOIA) is considered to be a release to the world, as once the information has been published on the Disclosure Log pages of the Constabularies external websites, the Constabularies have no control over access to that information. Whilst not questioning an applicant's motive for requesting information, it could be of use to persons who are involved in organised crime.

Organised crime groups operate throughout the UK, and across county borders. It is therefore essential that information is shared between all forces to ensure that OCG activity can be assessed and proactively dealt with.

Releasing information that identifies the number of specific areas could give an overall picture within the UK of where OCGs are more active or where opportunities could be available to OCG in order to further their criminal activities.

The prevention and detection of crime is the foundation upon which policing is built. Modern day policing is intelligence led and this is particularly pertinent with regard to law enforcement. The Constabulary works in partnership with other agencies in order to tackle crime. Although there is a call for openness and transparency, this needs to be balanced against the harm in disclosure of the requested information. Providing the requested details would undermine the partnership approach and could impact on any ongoing operations or investigations.

This could increase criminal activities in certain areas and allow OCGs to determine the best areas to avoid.

Factors favouring disclosure for S31

The purpose of the Freedom of Information Act is to make public authorities more open and transparent. Releasing information would lead to more accurate public debate. Any disclosure which could result in the public coming forward with information, which would assist with investigating crimes, is a positive factor.

There is a public interest in the use of public funds in order to combat organised crime.

Factors favouring non-disclosure for S31

The current and future law enforcement role of the Constabularies would be compromised by the release of the information. Disclosure of the information may unwittingly provide useful intelligence to those involved in criminal activity and would reduce the Constabularies operational effectiveness. This would result in the need for additional resources in this area of policing.

Disclosing specific data that is use to map OCG activity on a national basis could inform those involved in criminal activity of specific areas targeted by Police, or conversely, highlight areas in the UK where there may be the opportunity to develop further criminal activities.

Any release of the information may decrease public confidence in the Police and deter individuals from coming forward with intelligence, if they believe that the information could be disclosed under the Freedom of Information Act.

Balance test

The Constabularies will always release information under the Freedom of Information wherever possible and where it is appropriate to do so. Any disclosure which increases public awareness and could result in more information being provided to the police is a positive factor.

However, there is a very strong public interest in safeguarding the integrity of police investigations, operations and intelligence development.

Information which gives a national picture of OCG activity could adversely affect the Police's abilities to combat crime arising from OCGs in their specific areas and on a national basis.

Norfolk and Suffolk consider that, at this moment in time, it would not be appropriate to disclose the requested information and the exemption at section 31 is engaged.

2. Suffolk and Norfolk Constabularies can **neither confirm nor deny** whether any information is held with regards to the number of OCGs from outside the Constabularies force boundaries or whether there have been no significant prosecutions, as a result of exemptions within the Act.

Norfolk and Suffolk Constabularies can **neither confirm nor deny** whether it holds the information you have requested, 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 24(2) – National Security

Section 27(4) – International Relations

Section 30(3) – Investigations

Section 31(3) – Law Enforcement

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether confirmation or denial is the appropriate response.

Section 24, 27 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused by confirmation or denial of whether information is held, as well as carrying out a public interest test.

Overall harm

Although every effort should be made to release information under the Freedom of Information Act, to confirm or deny whether information is or isn't held relating to the monitoring of county lines or organised crime gangs (OCGs) at a force level could would undermine national security, current investigations and operational law enforcement. Furthermore, the applicant asks for "...number of OCGs from outside your boundary including overseas that impact upon your force" hence

engaging s27 (4). The engagement of s27 (4) is predicated on disclosing sensitive overseas information which would affect the relations we have internationally.

Whilst there is a public interest in the transparency of policing, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, this should be countered against the need to protect vulnerable areas, and ongoing Policing operational activity.

The security of the country is of paramount importance and Norfolk and Suffolk Constabularies will not divulge whether information is or is not held if to do so would undermine national security. Whilst there is a public interest in the transparency of policing operations and providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by offenders involved in county lines activity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive areas of which they work.

Modern-day policing is intelligence led, and intelligence changes on a day-by-day basis. Confirming or denying whether any information is held relevant to the request would show where policing interest has or has not occurred in any specific area which would enable those engaged in criminal activity to identify the focus of policing targets. Any information identifying the focus of this activity could be used to the advantage of criminal organisations to plan an attack on the more vulnerable parts of the UK. 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.

Confirming or denying whether any information is held relevant to the request would show where policing interest has or has not occurred in any specific area which would enable those engaged in criminal activity to identify the focus of policing targets and identify vulnerable parts of the UK.

Public Interest Considerations

Factors favouring confirmation or denial - Section 24

Confirmation or denial as to whether any information exists relevant to the request would lead to a better-informed public. The public are entitled to know how public funds are spent especially with regards to safeguarding National Security.

Factors against confirmation or denial - Section 24

Other organisations outside the Police Service may, or may not, have an active interest in the subject of the question above. By confirming or denying whether any information exists relevant to the request would harm the close relationship that exists between the Constabularies and other organisations. To confirm or deny whether the force hold any information relevant to the request would allow inferences to be made about the nature and extent of national security related activities which may or may not take place in a given area. This would enable criminal groups to take steps to counter intelligence, and as such, confirmation or denial would be damaging to National Security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial - Section 27

Irrespective of what information may or may not be held, confirming whether information is held would provide openness and transparency by highlighting that the Constabularies are proactively engaging with Governmental Departments and other law enforcement agencies both at home and abroad as part of global crime prevention initiatives.

Factors against confirmation or denial - Section 27

The importance of building and maintaining goodwill within international relations cannot be underestimated. By confirming or denying whether either Constabulary has received communications from other global law enforcement agencies relating to organised crime groups activity, would undermine the relationship and trust built up between police forces and international agencies.

Factors favouring confirmation or denial – Section 30

Confirming or denying whether information exists relevant to this request would lead to a better-informed general public by identifying that the Constabularies robustly investigate intelligence received into the force. This fact alone may encourage individuals to provide further intelligence in order to assist with investigations and would also promote public trust in providing transparency and demonstrating openness and accountability into police investigations.

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

Criminality surrounding county lines/ organised crime groups offending is currently a high-profile subject area with media and public interest connotations. Confirmation or denial that any information exists could provide reassurance to the general public.

Factors favouring neither confirming or denying – Section 30

Modern-day policing is intelligence led and Constabularies share information with other law enforcement agencies as part of their investigation process. To confirm or not whether an individual has been the subject of a criminal investigation could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Factors favouring confirmation or denial – Section 31

Confirming or denying whether any further information is held, would allow the public to see where public funds have been spent and allow the Police service to appear more open and transparent.

Better public awareness may reduce crime or lead to more information from the public as they would be more observant in reporting suspicious activity.

Factors favouring neither confirming or denying – Section 31

To confirm or deny whether the Constabularies hold this information could compromise law enforcement tactics which would lead to a hindrance on the Police Forces ability to prevent and detect crimes. Vulnerable areas could be identified by force level disclosure leading to more criminal activity placing the public in harm's way. If information is released confirming or denying that requests have been made this may impact police resources as vulnerable forces may need to increase their resources to reassure the public and protect the surrounding community.

By confirming or denying whether information is held in respect of this request, law enforcement tactics would be compromised which would hinder the prevention and detection of crime. This would result in more risk to the public and consequently require the use of more police resources.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the Constabularies will not divulge whether information is or is not held if to do so would place the safety of an individual at risk, compromise law enforcement or undermine National Security.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the Constabularies are appropriately and effectively engaging with threats posed by organised crime groups, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this highly sensitive area.

It is for these reasons that the Public Interest must favour neither confirming nor denying whether the requested information is held.

This should not be taken as necessarily indicating that any information that would meet your request does or does not exist.

3. As question 2 above.
4. The Constabularies Professional Standards Department has two Joint Anti-Corruption Unit Strategic Assessment Summary Documents, published in the 2014 and 2018 calendar years. No other versions are held.

The information has not been provided as a result of exemptions within the Act.

The Constabularies can confirm that the information is held, however this information has not been provided due to the following exemptions:

Section 23(1) – Information supplied by, or relating to, security bodies

Section 40(2) – Personal Information

Section 31(2)(a)(b) – Law Enforcement, by virtue of S31(1)(g)

Section 23

In so far as Section 23 is applied, the information relates to a security body listed within Section 23(3) of the FOIA, therefore there is an automatic exemption placed on this information. This exemption is an Absolute and Class based exemption and there is no requirement to consider the public interest.

Section 40

Section 40 relates to the names of staff who are neither in a public facing role, nor of sufficient seniority, to hold an expectation that their name would be disclosed. It has also been applied to information relating to investigations that have been used as examples within the report.

Section 40 is an absolute; class-based exemption and applies to third party personal data. This would not be released under the FOIA unless there is a strong public interest. This is because any release would breach the Principles contained within Article 5(1) of the GDPR and Part 2 of the Data Protection Act 2018.

One of the main differences between the Data Protection Act and the Freedom of Information Act is that any information released under FOI is released into the public domain, not just to the individual requesting the information. As such, any release that identifies an individual through releasing their personal data, even third-party personal data, is exempted unless there is a strong public interest in its release. The public interest is not what interests the public but what benefits the community as a whole.

Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life.

Principle (a) of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. When considering this principle, we first consider the lawfulness aspect in the disclosure of an individual's name. Lawfulness refers to occasions where disclosure would not breach statute or common law obligations and, in this case, we consider the Human Rights Act 1998. In the case of staff names, although names redacted from the disclosure will be of a professional capacity, an assessment must still be undertaken to establish whether their roles are of a sufficiently high enough rank, or are within a public facing role, to ensure it is lawful to disclose their information into the public domain.

In a 2008 case concerning the 'Corporate Officer of the House of Commons' v the 'Information Commissioner', the high court stated that "'necessary' in Schedule 2 condition 6 of the Data Protection Act 1998, meant that there must be a pressing social need for disclosure. The request asks for the FMS itself and the addition of names will not add to the reports focus.

Any disclosure under FOI would be placed indefinitely into the public domain and would consequently result in people being able to identify them from this information. Purely as a result of their role, it would be a breach of their human rights as they would have had no expectation that personal information relating to them would be disclosed in this way.

With regards to the fairness aspect, the processing of information should be in a manner that individuals would reasonably expect, not in a way that could result in unjustified adverse effects on them. In this case, the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification considering their details are not currently publicised. Disclosure of a name can equally lead to an individual being misidentified from the disclosure.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original Policing requirement for the processing of the information and would not be lawful or fair to the individuals in question.

It is for these reasons outlined above; that I feel the principle (a) would be breached by this disclosure and the Section 40 exemption remains in place. I am not obliged to consider any further principle in my arguments.

This is an absolute, class-based exemption and, as such, there is no requirement to consider the public interest test.

Section 31

Section 31 is a qualified based and prejudice-based exemption and I am therefore obliged to

consider the public interest.

Evidence of Harm

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The strategic threat assessment identifies information specifically relating to procedural, tactical and strategic areas of policing, which will invariably identify sensitive operational tactics, law enforcement capabilities and considerations / plans to ensure that the Constabulary employees maintain professional ethos at all times. Any FOI disclosure must ensure that no strategically sensitive information is placed into the public domain that would negatively impact on anti-corruption capabilities.

Providing the document will reveal strategic capabilities and is likely to impact on the ability to effectively assess key aspects of anti-corruption.

It is for the reasons stated above that the exemption at Sections 31 is applied.

Factors favouring disclosure

Disclosure of this information would enable the public to know whether the Constabularies have appropriate processes and capabilities to deal with anti-corruption.

There is a public interest in the community being reassured that the police service personnel act with integrity and honesty, maintaining public confidence in the police service and its officers and staff.

Provision of the information will provide the public with a better understanding in how the Constabularies are proactively and effectively tackling corruption and identifying specific threats to continually monitor.

Factors favouring non-disclosure

The information contained within the documents highlight sensitive intelligence-based information that is utilised by the Professional Standards Department to establish the trends in police corruption and the areas of continual monitoring that are required to ensure the police employees retain honesty and integrity in all aspects of their roles. To provide the information would identify the key strands of work currently being focussed on by PSD, both actual and potential, some of which is highly sensitive and links into previous covert operations.

The disclosure of sensitive tactical and strategic options will identify information concerning operational sensitivities, providing information concerning of the Constabularies capabilities, future planning processes and decision-making matrices with regards to anti-corruption.

Balance Test

There is a public interest in the transparency of police employees and ensuing that the Constabularies are maintaining effective reviews of corruption, in turn ensuring the public retain confidence in the police service.

However, there is extremely sensitive information contained within these documents, which are not suitable for public consumption as by their very nature, they relate to intelligence led corruption monitoring, which could identify the manner in which the Constabularies undertake such activities.

The information in some parts will also identify certain investigations that have not been publicly acknowledged and consequently, would in turn identify individuals (as per the S40 exemption above).

The police service must ensure that its anti-corruption units are in a position to be able to effectively monitor corruption without any harm being caused by disclosures under FOI.

It is considered that the documents would need to be so heavily redacted that there would be no benefit in the disclosure of redacted versions of the reports.

Therefore, it is our opinion that for these reasons the balance test for disclosure is not made out.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply 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 application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700