



**SUFFOLK
CONSTABULARY**
Taking pride in keeping Suffolk safe

Freedom of Information Request Reference N°: FOI 002933-20

I write in connection with your request for information received by Suffolk Constabulary on the 27 August 2020 in which you sought access to the following information:

“Please provide a copy of all problem profile assessments produced or commissioned by your police force related to child sexual exploitation in your force area from January 1st 2010 to date.”

Response to your Request

The response provided below is correct as of 16 October 2020

Suffolk Constabulary has considered your request for information and the response is below.

Suffolk Constabulary has located one relevant CSE profile, dates September 2015 and it is attached for reference.

Some parts of the report have been redacted as a result of 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 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.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk Constabulary, when refusing to provide such information (because the information is exempt) is to provide you 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(s) applies.

The information is exempt from disclosure by virtue of the following exemptions;

- Section 31(1)** – Law Enforcement
- Section 40(2)** – Personal Information
- Section 44(1)** – Prohibitions on Disclosure

Information 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. In this case the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification, or equally led to an individual be wrongfully identified as a suspect.

By law, all victims of rape and other sex crimes, including children, are automatically guaranteed anonymity for life from the moment they make a complaint that they are the victim of a sex crime. This anonymity was once given only to victims of rape however; the Sexual Offences Act 1992 extends to victims of most other sexual offences. Therefore, it is the duty of the Constabulary to ensure this anonymity is not breached by a perceived risk of identification.

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 and 44 exemptions remains in place. I am not obliged to consider any further principle in my arguments.

These are an absolute, class-based exemptions and as such, there is no requirement for the public interest test.

Section 31 is a qualified and prejudice based exemption and I am therefore obliged to consider the harm in disclosing information concerning this live investigation and conduct a public interest test.

Harm



Where a disclosure is made that will provide information and evidence as to the way in which the Constabulary conducts investigations and identifies issues within specific localities, there is a clear risk that harm may be caused by disclosing the capabilities and strengths/weaknesses of the Constabulary with regards Law Enforcement.

Factors Favouring Disclosure

The provision of the information will ensure the Constabularies are maintaining openness and transparency, with respect to any investigation.

Provision of information concerning investigations and proactive crime prevention measures, reassures the public that the Constabulary robustly investigates and assess areas of concern with regards to CSE.

Investigations are expensive and provision of the data will ensure the public can identify where and how public funds are being allocated.

Factors favouring non-disclosure

Any information disclosed that could affect the Constabulary's work concerning the identification of potential or actual victims of CSE, would undermine the processes in place to tackle such concerns. This would have implications for future like policing investigations or intelligence, should victims or witnesses feel unable to bring forward any relevant evidence and information to the Constabulary, as they consider that information would not be appropriately managed. It is imperative that information continues to be shared with the Constabulary and other organisations in order to identify potentially vulnerable persons, there is certain information therefore that would not be disclosed if to do so would inhibit this aim.

Balancing Test

It can be argued the public has a right to be informed that the Constabulary is appropriately and effectively tackling concerns raised and identified with regards to CSE. However the provision of the redacted report, the Constabulary feels, does meet this requirement and to provide the information exempt under Section 31, would have an adverse impact on the future ability to effectively investigate such operations.

I therefore conclude that the balance of the public interest lays in non-disclosure of the redacted information.

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/>

Suffolk Constabulary is 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 Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 40 working 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 Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with 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