

Freedom of Information Request Reference N°: FOI 003410-19

I write in connection with your request for information received by Suffolk Constabulary on the 20 September 2019 in which you sought access to the following information:

1. *“The number of recorded instances of honour-based violence in Suffolk, broken down by non-metropolitan district, for the years 2015, 2016, 2017 and 2018.*
2. *The number of recorded instances of forced marriage in Suffolk, broken down by non-metropolitan district, for the years 2015, 2016, 2017 and 2018.*
3. *The figures for offenders of honour-based violence and forced marriage in Suffolk, broken down by age, sex, race and ethnic background.*
4. *The figures for victims of honour-based violence and forced marriage in Suffolk, broken down by age, sex, race and ethnic background.”*

Response to your Request

The response provided below is correct as of 30 September 2019

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

A search has been completed of the Constabulary’s crime system for all incidents and crimes recorded of Honour Based Violence (HBV) during the 2016 - 2018 calendar years.

Please note that from 2013 The Constabulary only record incidents that we have actively become involved in. The information provided is therefore unlikely to portray an accurate figure of the number of incidents within Suffolk. Other agencies such as the National Crime Agency also deal with forced marriages and female genital mutilation.

The total of HBV incidents recorded during this time frame, is provided below:

2016 – 28 Honour Based Incidents

2017 – 12 Honour Based Incidents

2018 – 33 Honour Based Incidents

The Constabulary has not provided any further breakdown concerning the number of those that relate to Forced Marriage (FM) or the additional details concerning the victims and offenders, 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 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 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 information you have requested is exempt, by virtue of the following exemptions:

Section 40(2) – Personal information

Section 30(1) – Investigations

Section 31(1) – Law Enforcement

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 being 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 30 is a class based qualified exemption and requires the consideration of a public interest test.

Section 31 is a prejudice based qualified exemption and requires the consideration of harm and the public interest.

Harm

Where a disclosure is made that will provide information and evidence as to the way in which the Constabulary conducts its investigations, there is a clear risk that harm may be caused by disclosing the capabilities and strengths/weaknesses of the Constabulary with regards Law Enforcement. It is the Constabulary's aim to apprehend offenders and where an investigation remains on-going, to provide any information that may assist an offender in establishing how the Force conducts its investigations including techniques that are used, would be prejudicial to law enforcement. The effect this may have on the Constabulary may be the impact on future provisions.

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=>



The Constabulary will disclose information in respect of HBV cases by full calendar year however any deviation from this will allow individuals to work out aspects of individual HBV cases have been reported to the Constabulary and consequently, could lead to an individual being identified.

The Constabulary would not wish to disclose information that could lead to the identification of a victim of HBV and subsequently undermine the law enforcement objectives of the Constabulary as those victims would parentally then require being placed into protective custody. This would consequently undermine the flow of information (intelligence) received from members of the public into the Police Service.

Honour Based Violence is not only a national problem but a global one. In order to ensure Suffolk Constabulary deliver 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 Test

(When applying a qualified exemption a public authority is required to consider whether 'in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information')

Section 30 – Investigations

Favouring Disclosure

Investigations are expensive, provision of information relating to HBV specifically, will ensure the public are well informed as to the way in which finances are being distributed and that crime is effectively being managed.

Disclosure of information may encourage members of the public to provide intelligence to the Constabulary by raising awareness in such issues.

Favouring Non-Disclosure

The Constabulary is committed to playing a key role within the collation of partners in eradicating honour based abuse, increasing the confidence of victims, survivors and affected communities and in identifying, prosecuting and bring offenders to justice.

In order to do this, the Constabulary must build trust and confidence of affected communities. Provision of this information under FOI, would lead victims to feel isolated with their fearing the Constabulary takes such matters flippantly and dismissively resulting in the force's future law enforcement capabilities being affected.



The Constabulary works in partnership with other agencies to ensure that an effective investigative process is undertaken and the victim remains protected. It could be extremely harmful to the victims of such offences if information is disclosed that would potentially identify them and consequently undermine the partnership approach.

Section 31 – Law Enforcement

Favouring Disclosure

The provision of information concerning HBV will identify that the Constabulary investigates such matters proficiently and takes such matters seriously.

Favouring Non-Disclosure

The provision of information to the constabulary via victims and witnesses of such crimes is vital to ensure all victims are provided the protection required. It would be dangerous to provide information that would identify victims due to the low numbers concerned, subsequently leading to their lack of trust and confidence in the police service. This would potentially result in the law enforcement and partnership approach being undermined if victims felt that their information was not owed the utmost degree of protection.

Balancing Test

It is recognised that provision of a figures itself is not personal information and could assist the community in understanding the current concerns with HBV in both the Suffolk area and nationally. However, in cases such as this, where there are low numbers of investigations, the risk of an individual being identified, and the knock-on affect to them being further victimised as a result, cannot be ignored.

The Constabulary has to ensure that all FOI disclosures are done so in a manner that would not identify or harm any victim or witnesses. In this case, it is felt the low numbers concerned, would have the potential to identify individuals and subsequently, place them at risk.

Having weighed up the factors favouring disclosure and those favouring non-disclosed, I have decided that the balance lies with non-disclosure.

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.



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CONSTABULARY**
Taking pride in keeping Suffolk safe

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