



FREEDOM OF INFORMATION REQUEST

REQUEST NUMBER: FOI Request 003896-17

REQUEST DETAILS:

"Please provide me with a breakdown of all crimes relating to female genital mutilation recorded by your force for each of the following calendar years: 2014; 2015 and 2016.

For each recorded offences please give the month/year, the age(s) of the victims and the outcome of the investigation."

RESPONSE:

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

This response is correct as of 27 February 2017

Suffolk Constabulary has conducted a search for all incidents reported to the Constabulary concerning Female Genital Mutilation (FGM).

Please note that in previous years the Constabulary additionally recorded the number of occasions advice was given to partner agencies, which would not all have led to police involvement.

From 2013 The Constabulary only record incidents that we have actively become involved in. It should be noted that FGM will, in most cases, be recorded where there is a risk, i.e. prior to any offence, and police monitor and action accordingly.

The Constabulary does not record these as offences and therefore, there are no recorded outcomes.

Please note that the information provided is 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 number of FGM cases reported to Suffolk Constabulary is provided in the table below by calendar year.

Year	Total FGM
2014	12
2015	4
2016	13



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NOT PROTECTIVELY MARKED

The information has not been broken down by month the incident was reported or age of the victim 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.

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 40(2) is an absolute 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 Data Protection Principles contained within the Data Protection Act 1998.

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 1998 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.

This is an absolute, class based exemption 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



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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 FGM cases by full calendar year however any deviation from this will allow individuals to work out the months where FGM 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 would potentially lead to the identification of a victim of FGM 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.

Female genital mutilation 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



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Investigations are expensive, provision of information relating to FGM 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 FGM 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 FGM in both the Suffolk area and nationally. However, in cases such as this, where



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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.

Police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this force's response to your questions should not be used for comparison purposes with any other response you may receive.