

Freedom of Information Request Reference N°: FOI 006859-17

I write in connection with your request for information received by Suffolk Constabulary on the 17 October 2017 in which you sought access to the following information:

1. *“a) How many children under 18 have been reported missing each year 2007-2017? b) How many were classed as missing, c) and how many as absent?”*
2. *a) How many of these children (in total) were in care, b) and how many lived with their families?*
3. *a) How many of these children were either asylum seekers, b) trafficked?*
4. *For those in care, please mark which local authority was/is responsible for them.*
5. *How many children were feared to have been:*
 - a) *exploited for county lines (drugs)*
 - b) *child sexual exploitation*
 - c) *labour exploitation*
 - d) *domestic servitude*
 - e) *forced marriage*
 - f) *fgm*
 - g) *organ harvesting”*

Response to your Request

The response provided below is correct as of 17 October 2017

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

1. The total number of children under 18 reported missing or absent from 2007/08 – 2016/17 is provided in the table below. Please note that the absent category has only been used on Suffolk systems (for children) between 2014-2016

2007/08 – 692 missing 0 absent
2008/09 – 766 missing 0 absent
2009/10 – 866 missing 0 absent
2010/11 – 1040 missing 0 absent
2011/12 – 858 missing 0 absent
2012/13 – 802 missing 0 absent
2013/14 – 713 missing 0 absent
2014/15 – 601 missing 164 absent
2015/16 – 642 missing 87 absent
2016/17 – 819 missing 33 absent

2. The total number of the children referred above who were recorded as missing from care or from home, is as follows:



Missing from home – 6,837

Missing from care – 922

3. This information has not been provided as a result of exemptions within the Act.
4. Suffolk Constabulary does not record the local authority who is responsible for the children, although the majority will be Suffolk County Council.
5. This information has not been provided 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 Data

Section 44(1) – Prohibitions on Disclosure

Section 31(1) – Law Enforcement

Information that will, or could lead to, the identification of an individual 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.

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.

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 exempt 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

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 investigation, 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 would not wish to disclose information that would potentially lead to the identification of a child subject of one of the above categories subsequently undermine the law enforcement objectives of either 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.

In order to ensure the Constabularies 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')

Favouring Disclosure

Investigations are expensive, provision of information relating to specifically identified categories, 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.

The provision of information 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.

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.

Balancing Test

It is recognised that provision of a figures itself is not personal information and could assist the community in understanding current concerns within Suffolk force 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.

In addition to the above, Suffolk Constabulary can **neither confirm nor deny** that it holds any other information as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 30(3) – Investigation

Section 31(3) – Law Enforcement

Section 30 is a class based qualified exemption and we are therefore obliged to consider the public interest in maintaining the NCND stance.

31 is a prejudice based qualified exemption and consideration of harm and the public interest must be given as to whether neither confirming nor denying that information exists is the appropriate response.

Harm

The Constabularies will only disclose statistics relating to FGM on a calendar year basis and will therefore not confirm whether any numbers are held with respect the financial year breakdown.

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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 nor denying whether any information is held in relation to this request, irrespective of what information is or isn't held, would reveal police 'intelligence' about whether victims, or indeed potential victims have been placed into protective custody. This has the potential of undermining the flow of information (intelligence) received from members of the public into the Police Service. In addition, to confirm or not whether information is held would also undermine both ongoing investigations and the Authorised Professional Practice for Information Management. This could in turn lead to police officers having to be removed from their frontline duties in order to increase manpower on an investigation.

Female genital mutilation is not only a national problem but a global one. In order to ensure the Constabulary delivers 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.

Irrespective of what information may or may not be held to compromise the investigative process and any intelligence gathering undertaken to assist a criminal investigation would affect the public safety of the victims of such crimes.

Public Interest Considerations

Factors favouring complying with Section 1(1)(a) – confirming information is held

Neither Confirming nor denying whether information exists relevant to this request would lead to a better informed general public identifying that the Constabulary's robustly investigate offences of female genital mutilation which may encourage individuals to provide intelligence in order to assist investigations and reduce crime. Confirming or not whether information is held would highlight where police resources are being targeted. The public are entitled to know how public funds are spent, particularly in the current economic climate.



There is a vast amount of information within the public domain relating to this subject and that in itself is considered to be a factor for disclosure. Examples of these can be found below:

http://www.who.int/topics/female_genital_mutilation/en/
<http://www.childinfo.org/fgmc.html>
<http://www.bbc.co.uk/news/uk-28412179>

Factors against complying with Section 1(1)(a) – neither confirming nor denying that information is held

Confirmation or denial that information is held would suggest that Suffolk Constabulary takes its 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.

In addition, and as detailed within the harm above, to confirm whether or not information is held would undermine the partnership approach to investigations.

The Police Service relies on information being supplied by the public. Irrespective of whether information is or isn't held, confirming 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, with repercussions that could hinder the prevention or detection of crime.

Irrespective of whether information is or isn't held, intelligence is used as a vital tool in ensuring all avenues and enquiries are carried out and exhausted which relate to potential offences of FGM occurring. 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 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.

Balancing Test

The points above highlight the merits of not confirming nor denying that information pertinent to this request exists. 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 and in line with the APP Information Management Module. 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 the Constabulary in its 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 neither confirmation nor denial that information is held is not made out.



No inference can be taken from this refusal that information does or does not exist.

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 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 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