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Our Ref: FOI2018/01393

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/01393

I write in connection with your request for information received on 13th March. I note you seek access to the following information:

I'd like to request under the FOIA the following:

1) How many live investigations or operations does the force have into alleged child sexual exploitation, either recent or non-recent and either familial or non-familial.

I am required by the Freedom of Information Act 2000 (The Act) to handle all requests in a manner that is blind to the identity of the requestor. Any information released in response to a request is regarded as being published and therefore, in the public domain without caveat.

Response – Hertfordshire Constabulary neither confirms nor denies that it holds information 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 23(5) Security Bodies
Section 30(3) Investigations
Section 31(3) Law Enforcement

The Section 23 exemption is class based absolute exemption. This means that the legislators have identified that there would be harm in disclosure and there is no need to evidence this or carry out a public interest test.

The Section 30 exemption is a class based qualified exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information. However there is a requirement to carry out a Public Interest Test in order to establish whether the public interest in maintaining the exemption may be outweighed by a wider public benefit in disclosure.

The Section 31 exemption is a qualified prejudice based exemption which requires the prejudice (harm) to be evidenced and a public interest test to be carried out.

Section 30(3)

Public Interest Test

Factors in favour of disclosure

Confirming or denying that any information exists relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence in order to assist investigations and reduce crime.

Factors in favour of non-disclosure

Confirmation or denial that information is held in regard to specific investigations would undermine any investigations in progress, especially if covert operations were in place. This would prejudice the force's ability to effectively investigate and as such law enforcement tactics would be compromised.

Balancing Test

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. 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 Hertfordshire Constabulary, so that through our duty to effectively investigate crime, we can ensure the 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 confirmation or denial that information is held is not made out.

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

Section 31(3)

Application of the prejudice test

Confirming or denying any information exists regarding investigations would harm the force's operational ability by allowing those intent on committing crime to identify police presence and assist them in avoiding detection.

Confirming or denying any information exists regarding operations carried out by Hertfordshire Constabulary making them publically available would prejudice the force's ability to conduct their investigations because they could be easily identified allowing crime to be committed, putting communities at risk of crime and therefore, increasing the fear of crime within Hertfordshire.

Factors in favour of disclosure

The public has a legitimate interest in information about police resources that their money has paid for.

Factors in favour of non-disclosure

The disclosure of the details of Hertfordshire Constabulary operations would be likely to increase the risk of the information being used for criminal activity. This is the same basis for finding that the exemption is engaged.

Law enforcement tactics of the force would be compromised. There would be an impact on police resources and as such the ability to prevent and detect crime if disclosure of the information allowed an increase in crime to take place.

Balance Test

After consideration of the factors of the public interest test they are clearly weighed in favour of non-disclosure. Looking at the most important factors of the test it was clear the public interest in the force's ability to prevent crime and have effective law enforcement tactics in place, significantly outweighs the public interest in the use of police resources, especially providing information of operations.

Information that would allow identification of operations carried out by the force would contribute to the sum of criminal knowledge to a greater extent than that already existing from currently available sources. As a result the of risk of crime would be greater if the information was disclosed than if not and for these reasons the balancing test for disclosure is not made out.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirmation or denial that information is held is not made out.

The numerical data presented in this response is an un-audited snapshot of un-published data sourced from "live" systems and is subject to the interpretation of the original request by the individual extracting the data.

Should you have any further enquiries concerning this matter please do not hesitate to contact me quoting the above reference number.

Yours sincerely

James Hodson
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Hertfordshire Constabulary provides you the right to request an independent review of this response under its review procedure. If you require such a review you must notify us within two months from the date of this letter. After lodging a complaint with Hertfordshire Constabulary if you are still dissatisfied with the decision you may make an application to the Information Commissioner. For information on how to make a complaint please visit their website at <https://ico.org.uk/concerns/> or contact them on 0303 123 1113.