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Our Ref: FOI2018/05943

### REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/05943

I write in connection with your request for information received on 17th October. I note you seek access to the following information:

**Please can you tell me how many reports of rape or sexual assault you received on each day between August 1, 2018 and Oct 16, 2018? For clarity, please can you break this down to each day?**

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.

Following enquiries within the Constabulary please see our response below.

**Response** – Hertfordshire Constabulary can confirm that it holds information in relation to your request however, I am not obliged to supply the information you have requested. Such information is exempt under the following exemption/s:

Section 30(1)(a)(b) Investigations  
Section 40(2)(a) Personal Information

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 40 exemption is a 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.

Section 30

Public Interest Test

#### 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 information regarding sexual offences within a specific time period could lead to any on-going investigations being compromised or undermined. This could be harmful and allow identification of the individuals concerned.

#### 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 protect

the public outweighs the public interest in revealing details of any investigation. As a result the risk of harm to those involved in an investigation is greater if the information was disclosed than if not and for those reasons the balancing test for disclosure is not made out.

Therefore it is our opinion that for these issues the balancing test for non-disclosure of any information is held regarding these techniques is not made out.

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  
Information Rights

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.