



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-00157

**Keyword:** Operational Policing

**Subject:** Child Prostitution

**Request and Answer:**

### Question 1

How many cases of child prostitution are police investigating? That is children aged up to and including 16. Please state the age of the youngest and if that person is a boy or a girl?

### Answer

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17 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 Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny (NCND) that it holds the information relevant to your request 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 30 (3) Investigations and Proceedings conducted by Public Authorities
- Section 31 (3) Law Enforcement
- Section 38 (2) Health and Safety
- Section 40 (5) Personal Information

Section 40 is a classed based absolute exemption and there is no requirement to consider the public interest in this area. A disclosure under the Freedom of Information Act is a release of information to the world in general and not to an individual applicant. Therefore, simply confirming or not that details in relation to child prostitution cases were held would disclose personal information about an

individual, i.e. the subject of the investigation, thereby breaching the Data Protection Act and could in itself disclose sensitive or damaging information.

Personal data if held by a police service should not be disclosed into the public domain and privacy must be respected. Any information released under the Freedom of Information Act in response to requests is deemed to **be released into the public domain**.

Section 30 is a class based qualified exemption and consideration must be given as to whether there is a public interest in confirming or denying the information exists is the appropriate response.

With Section 31 and 38 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

### Harm and Public Interest Considerations with regard to Confirming or Denying that the Information is held.

#### **Harm Test**

To confirm or deny the existence of any information relating to investigations into child prostitution cases could prejudice any ongoing investigations. For example to state that no information is held in relation to investigations into child prostitution would enable individuals to become aware of whether their activities have been detected, which would ultimately compromise police tactics, operations and future prosecutions. Disclosing information could allow members of the criminal fraternity to determine whether their individual case is currently being investigated. Criminals would be aware that the police must have intelligence, allowing them to destroy evidence and escape detection.

#### **Public Interest Test Section 30**

##### **For Release**

The public are entitled to know how public funds are being spent and that if cases of this nature were to exist, that they are being investigated satisfactorily.

##### **For Retention**

By confirming or denying the existence of details of ongoing child prostitution investigations the PSNI's future investigative capabilities would be affected which would hinder the prevention or detection of crime. This would impact on police resources and more crime would be committed, placing individuals at risk.

#### **Public Interest Test Section 31**

##### **For Release**

By confirming or denying whether information is held in relation to the number of child prostitution cases being investigated, the public would be able to take steps to protect themselves and their families. Better public awareness may reduce crime or lead to more information from the public.

##### **For Retention**

By confirming or denying whether information is held in relation to the amount of child prostitution currently being investigated, law enforcement tactics would be compromised which would hinder the prevention and detection of crime – ultimately placing individuals at risk.

#### **Public Interest Test Section 38**

### For Release

The public are entitled to know what areas of criminal activity the police service allocate public funds, therefore by confirming or denying existence of information relating to investigations into child prostitution would lead to better informed public awareness and debate. Confirmation or denial would assist communities to be more aware of the level of protection afforded to them.

### For Retention

By confirming or denying the existence of this information, the risks to individuals are significant and evidenced. There would also be a loss of confidence in the police service to protect the well being of the community.

### Decision

This question asks about current ongoing investigations. It is standard practice to apply NCND in these cases in order to prevent someone currently unaware of an ongoing investigation taking steps to prevent detection. Whilst there is an interest in the transparency of policing operations, there is a very strong public interest in safeguarding the integrity of police investigations and operations in the sensitive area of child prostitution. Therefore it is our opinion that for these issues the balancing test for confirming or denying whether the information is held is not made out.

In accordance with the Act, this letter represents a Refusal Notice for this part of your request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

### Question 2

How many girls aged 12 were arrested on suspicion of prostitution from January 1 2009 to December 31st 2009?

### Question 3

How many girls aged 13 were arrested on suspicion of prostitution from January 1 to December 31st 2009?

### Question 4

How many girls aged 14 were arrested on suspicion of prostitution from January 1 to December 31st 2009?

### Question 5

How many girls aged 15 were arrested on suspicion of prostitution from January 1 to December 31st 2009?

### Question 6

How many girls aged 16 were arrested on suspicion of prostitution from January 1 to December 31st 2009?

### Answer

Searches were conducted in relation to questions 2 to 6, however these searches failed to locate any records or documents relevant to your request based on the information you have provided. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.