



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F 2011 01522

**Keyword:** Crime

**Subject:** Human Trafficking

### Request and Answer:

Under the Freedom of Information Act 2000 please provide me with the following information:

#### Question 1

- (a) A breakdown of the sex,
- (b) nationality and
- (c) age of the 23 victims of human trafficking in the 2010/11 statistics?
- (d) Please also identify in each case whether the victim was trafficked for sexual exploitation or forced labour.

#### Question 2

- (a) A breakdown of the sex,
- (b) nationality and
- (c) age of the 25 victims of human trafficking in the 2009/10 statistics?
- (d) Please also identify in each case whether the victim was trafficked for sexual exploitation, forced labour, domestic servitude or there was another unidentified motivation behind the trafficking.

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

I have today decided to disclose information in response to questions 1 (a), (b), (d) and 2 (a), (b), (d) and fully exempt information in response to questions 1 (c) and 2 (c) pursuant to the provisions of Sections 30, 38 and 40 of the Act. Further, in relation to 1 (b) and 2 (b) a part response has been provided as 3 nationalities from each year have been exempted under Section 44. It is considered that this release would come within the scope of Article 8 of the Human Rights Act (HRA), right to respect for private life.

Answer to question 1 (a), (b) and (d)

2010 – 2011

<b>SEX</b>	<b>NATIONALITY</b>	<b>TYPE OF HUMAN TRAFFICKING</b>
Female	Chinese	Sexual
Female	Chinese	Sexual
Female	Chinese	Sexual
Female	Latvian	Sexual
Male	Albanian	Labour
Male	Chinese	Labour
Female	Chinese	Sexual
Female	Chinese	Sexual
Female	Chinese	Sexual
Female	Unknown	Sexual
Female	Unknown	Sexual
Female	Section 44	Sexual
Female	Chinese	Labour
Male	Chinese	Labour
Female	Section 44	Sexual
Male	Chinese	Labour
Female	Section 44	Sexual
Female	Unknown	Sexual
Female	Unknown	Sexual
Female	Nigerian	Sexual
Female	Nigerian	Sexual
Female	Hungarian	Sexual
Female	Hungarian	Sexual

Answer to question 2 (a), (b) and (d)

2009 – 2010

<b>SEX</b>	<b>NATIONALITY</b>	<b>TYPE OF HUMAN TRAFFICKING</b>
Male	Indian	Domestic
Female	Chinese	Sexual
Female	Chinese	Sexual
Female	Chinese	Sexual
Female	Chinese	Sexual
Female	Zimbabwean	Domestic
Female	Chinese	Sexual
Female	Romanian	Labour
Female	Chinese	Unknown
Female	Chinese	Unknown
Female	Chinese	Unknown
Female	Chinese	labour
Female	Chinese	Sexual
Female	Section 44	Sexual

Male	Section 44	Unknown
Female	Estonian	Sexual
Female	Romanian	Sexual
Female	Chinese	Labour
Female	Section 44	Sexual
Female	Chinese	Sexual
Female	Chinese	Sexual

It should be noted that the above information only reflects 21 of the 25 victims. PSNI do not hold the requested information in relation to the outstanding 4 and these victims withdraw co-operation and are excluded from the above figures.

Answer to questions 1 (c) and 2 (c)

Section 17 (1) of the Freedom of Information Act 2000 requires the PSNI, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

#### Absolute Exemptions

Section 40 (2) Personal Information

#### Qualified Exemptions

Section 30 (1)(a)(b)(c) and (2)(a) Investigations and proceedings conducted by the public authority

Section 38(1)(a)(b): Health & safety

Section 30 is a class based qualified exemption which means that the legislators have identified that the public interest considerations need to be evidenced and articulated to the applicant.

Section 38 is a prejudice based qualified exemption which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

Section 40 is an absolute exemption and does not require the public interest or harm to be evidenced and articulated to the applicant.

In relation to Section 40 - Public authorities are in general, exempt from the Act's duty to provide access to 'personal data' (as defined in the Data Protection Act 1998).

Where an application for information is made by someone other than the 'data subject' disclosure of that information will often constitute a breach of the Data Protection Act and consequently the public authority will usually be exempt from its duties under the Act as a result of Section 40 (2).

#### Harm

Under the Freedom of Information Act (2000) any information released under FOI is released into the public domain, not just to the individual requesting the information.

Whilst there is a public interest in the transparency of policing operations, there is a very strong public interest in safeguarding the identity of victims of human trafficking, as well as ensuring investigations are not compromised. Additionally, a public authority is exempt from the duty to communicate information where that information has, at any time been held for the purposes of any

investigation, which the public authority has a duty to conduct.

Release of the requested information relating to questions 1 (c) and 2 (c) regarding the age of the victim could reveal to a criminal group involved in human trafficking a specific piece of information which could lead them to determine what nationally and age of victims police have already detected. In receipt of this information a criminal group could decide not to traffic that nationally and age for fear of further detection and instead switch to another nationally and age to help avoid detection. The release of the ages coupled with the information released above could indicate to those engaged in criminal activity how operations may be centred. Any information identifying the focus of such activity could be used to the advantage of individual's intent on committing further offences. In turn this would undermine the operational integrity of these activities and have a negative impact on both ongoing investigations and law enforcement. This may have a detrimental effect on the racial understanding and community liaison in ethnic groups in communities. If requests were made to police across the UK release of the requested information regarding age could reveal the focus of policing activity in relation to human trafficking across the UK.

Criminals could use this knowledge to target specific ages, were it appears that detection is low, to their advantage. PSNI also consider that the danger to individuals should this information be released can be equated to an offender having knowledge of the location of sites, and evading detection as a result of this information, allowing the offender to continue offending. Operations, which could have been successful, will be compromised and any individual could potentially be affected and made a victim. This would hinder the prevention and detection of crime, apprehension and prosecution of offenders, the administration of justice and could compromise ongoing investigations.

The Police Service has a duty of care to all individuals involved in any investigation and must ensure effective law enforcement and comply with the Police (NI) Act 2000, which states:

"It shall be the general duty of police officers –

(a) to protect life and property

(b) to preserve order

(c) to prevent the commission of offences

(d) where an offence has been committed, to take measures to bring the offender to justice".

Section 38 of the Freedom of Information Act 2000 also protects an individual's physical health and mental wellbeing whether the harm is real or perceived. Therefore the PSNI consider that by releasing the information you have requested relating to questions 1 (c) and 2 (c) may have the potential to identify different person/s and would not be in keeping with the Act.

Additionally, where an application for information is made by someone other than the 'data subject', disclosure of that information will often constitute a breach of the 1<sup>st</sup> Principle Data Protection Act i.e. "Personal data shall be processed fairly and lawfully" and consequently the PSNI will be exempt from its duties under the Act as a result of Section 40 (2).

As has been addressed above, the release of this material would seriously jeopardise the prevention and detection of crime for the Police Service as a whole.

### **Public Interest Test**

The public interest test relevant is as follows: -

#### **Section 30 Factors Favouring Disclosure**

Disclosure could promote public trust in providing transparency, demonstrating openness and accountability. It could allow the public to be satisfied that the investigation has been conducted efficiently. Disclosure would also show that public funds were being used effectively and appropriately.

### **Section 30 Factors Favouring Non-Disclosure**

Information released into the public domain could undermine current investigations. It would therefore not be in the public interest to release information that may still be of assistance to the PSNI in relation to any unresolved investigations. It would not be in the public interest to release information that may prevent or hinder current investigations and regulatory enforcement. Offenders could be alerted by the release of information and thus jeopardise the rescue of further victims.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst such information may be released, if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, it is hard to see how the information here will do so.

### **Section 38: Factors Favouring Disclosure**

The public are entitled to know what areas of criminal activity the police service allocate public funds to therefore by disclosing this information, would lead to better informed public awareness and debate. Disclosure of the information would assist communities to be more aware of the level of protection afforded to them.

### **Section 38: Factors Favouring Non-Disclosure**

Public safety is of paramount importance to the PSNI and must always be considered so that the PSNI's ability to fulfil its core function of law enforcement is protected. PSNI would not wish to endanger the health and safety of any individual especially victims, by causing them distress or anxiety. The PSNI has a duty of care to the community we serve, to release information which could lead to an individual's safety being jeopardised would result in a loss of confidence in the way information is used.

Answer 1 (b) and 2 (b) as indicated within the tables above as "Section 44".

#### **Absolute Exemption**

Section 44(1)(a)(b): Prohibitions on disclosure

Section 44 is an absolute exemption and does not require the public interest or harm to be evidenced and articulated to the applicant.

Section 44 (1) (a) is engaged as disclosure of the requested information would violate Article 8 of the Human Rights Act i.e. the right to respect for private and family life.

#### **Balancing Test**

As much as there is public interest in knowing that policing activity is appropriate and balanced when targeting and dealing with human trafficking, this will only be overridden in exceptional circumstances. It is our opinion that for these issues the balancing test for disclosure is not made out.

### **Section 16 Advice and Assistance**

National information that may be of interest to you can be found by clicking on the below link:

[www.soca.gov.uk/about-soca/about-the-ukhtc-statistical-data](http://www.soca.gov.uk/about-soca/about-the-ukhtc-statistical-data)

Regarding the use of Section 44 – Prohibitions on Disclosure – It is considered in respect of the victims from countries where there are likely to be very few persons from that country in Northern Ireland (NI), and they are the only victims, PSNI should withhold their nationality. If the information was released, and a person of the appropriate gender from that country was in NI, it could cause them embarrassment and distress as they may be presumed to be a victim of trafficking. This would come within the scope of Article 8, right to respect for private life.

If you have any queries regarding your request or the decision please do not hesitate to contact 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.psnipolice.uk](http://www.psnipolice.uk)

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