



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00936

Keyword: Operational Policing

Subject: Human Trafficking and Controlling Prostitution

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates and the decision has been taken to disclose the following.

Request

Please can you provide an update on this inquiry, providing all fresh information in the same categories that has been compiled since you last sent me your spreadsheet?

Please supply all the information in the previous inquiry.

Please add to this all the fresh information compiled since then.

Please detail the number of individuals in each entry, i.e. arrested / rescued.

Please provide headings for each spreadsheet to denote what the entries signify.

NOTE: If it is possible, please indicate where all arrests and rescues relate to the same organised crime gang. e.g. all such related entries for arrests / rescues etc could be tagged with notes such as #OCG1 #OCG2 etc.

Request 1

Please list the date and approximate location for every arrest for controlling prostitution and human trafficking for sexual exploitation since May 2015.

Request 2

Please list the date and approximate location for every rescue of potential victim of sexual exploitation since May 2015.

Request 3

Please list the date and approximate location for every arrest for buying sex since May 2015.

Request 4

Please list the date and approximate location for how each rescue was closed i.e. were they confirmed as victims etc.

Clarification to requester – previous request: Question 4 of your request - Please list the date and approximate location for how each rescue was closed i.e. were they confirmed as victims etc. To assist can you please clarify the specific information being requested. For example can you please advise if you are requesting how each investigation that resulted in a Potential Victim Of Trafficking from the information requested at Question 2 is closed, / how each investigation was closed i.e. whether the person was confirmed as a victim. Can you also confirm for Question 4 what you are referring to be as the 'approximate location'.

Clarification received - previous request: Approximate location means town, city, council area or dcu - town or city preferred please. How each case was closed, what charges were brought in relation to each pvot? Controlling prostitution? Trafficking? Purchase of sex? Etc. Failed nrm test? Other?

Answer

Please see the Excel spreadsheet attached separately to this correspondence, detailing the responses in relation to Request 1 – 4.

The response for Question 4 refers to the decisions regarding victims of trafficking and not in relation to suspects. Therefore the answer refers to whether or not they were deemed to be victims or not.

In some cases suspects are not known by the Potential Victim Of Trafficking (PVOT) and sometimes and very little detail is known that investigators are unable to progress as far as arrests / charges / prosecutions. However the PVOT's can still be granted positive grounds by the NRM process.

This is referred to as positive or negative and is the result of the national decision makers. It should be noted these are not PSNI decisions and are made by the National Crime Agency (NCA). This is called the Modern Slavery Human Trafficking Centre.

Please note: The information has been extracted from the custody arrests data from the NICHE database. This includes those persons arrested and processed through police custody. Therefore, those arrested and street bailed or dealt with by other means e.g. community resolution, PND etc will not be included in the figures. The information extracted is based on the offence codes confirmed by Human Trafficking Unit and is based on data extracted from a live system and may be subject to change. It is dependent on the information having been input into the system in such a way as to identify those records that are relevant.

In addition, PSNI neither confirms nor denies that it holds any other information relevant to the request.

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(1) 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 that it holds any other

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 exemption:

Section 23(5) – Information Supplied By Or Concerning Certain Security Bodies – further information on the bodies referred to can be found in the full text of exemptions and a link is provided below.

‘Neither Confirm nor Deny’ (NCND)

There may be occasions when complying with the duty to confirm or deny under section 1(1) (a) would in itself disclose sensitive or potentially damaging information that falls under an exemption. In these circumstances, the Act allows a public authority to respond by refusing to confirm or deny whether it holds the requested information.

The decision to issue a ‘neither confirm nor deny’ response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. The starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The decision to neither confirm nor deny is separate from a decision not to disclose information and needs to be taken entirely on its own merits.

PSNI follow the Information Commissioner’s Guidance in relation to ‘NCND’ and you may find it helpful to refer to this at the following link:

[https://ico.org.uk/media/for-organisations/documents/1166/when to refuse to confirm or deny section 1 foia.pdf](https://ico.org.uk/media/for-organisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf)

Section 23 is an absolute and class-based exemption which means that the legislators have determined that there is no requirement to evidence the harm in confirming or denying information is or is not held or to conduct a public interest test.

Section 1(1) (a) of the Act requires a public authority to confirm whether it holds the information that has been requested.

Section 23(5) provides an exemption from this duty. Section 23(5) of the FOIA states that “the duty confirm or deny does not arise if, or to the extent that, compliance with section 1(1) (a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied by, or relates to, any of the bodies specified in subsection (3).”

The police service in its’ fight against crime and terrorism may engage at times with the bodies listed at Section 23 of the FOIA and on occasions there may be information provided to police from one of these bodies. As advised above the decision to issue a NCND response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. To confirm or deny whether intelligence was used in specific investigations would undermine police services’ ability to use intelligence information as an operational tool for investigating crimes including those that may have occurred historically. The NCND response is used to avoid risks caused by providing inconsistent responses to a series of similar requests where the information may originate from a number of sources and not necessarily a security body.

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.

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

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