

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01899

Keyword: Organisational Information/Governance

Subject: CSE Problem Profiles

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act We can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider part of the information you seek is exempt by virtue of section 31 and 40 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request

Please provide a copy of all problem profile assessments produced or commissioned by your police force related to child sexual exploitation in your force area in created in the last three years.

To clarify, I am not looking for individual child sexual exploitation crime records but strategic level reports looking into issues at a force wide level, as well as in specific geographies and communities within the force. I am happy to limit the search records circulated at force HQ level.

Answer

As previously mentioned, the requested information is being provided pursuant to Sections 31, 40 and of the FOIA and an explanation is provided below. Please see the redacted document attached separately to this correspondence

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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:

Section 23(5) - Information supplied by, or concerning, certain security bodies

Section 40(2)(a)(b) by virtue of 40(3)(A)(a) Personal Information – Information constitutes

personal data and disclosure would contravene any of the Data Protection principles

Section 31(1)(a)(b) – Law Enforcement – Information which would be likely to prejudice (a) the prevention or detection of crime (b) apprehension or prosecution of offenders

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 40 – Personal Information

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on the PSNI to consider whether there is a public interest in disclosure. It is an interface exemption and we must consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA'). There is information within the CSE (child sexual exploitation) profile documentation which can identify individuals including members of staff. This information is 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

As this information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles are good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed in a lawful and fair manner. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved. Those staff members, including those more junior members of staff would not have any reasonable expectation PSNI would disclose such information of this nature about them. We consider it would be extremely unfair to those individuals and therefore a breach of the first principle of data protection legislation. This information is therefore exempt under section 40 (2) of the FOIA as it contravenes data protection legislation to release it.

Section 31

Section 31 is a prejudiced based exemption and this means it is the Public Authority's responsibility to evidence the harm. It is also a qualified exemption and therefore a Public Interest Test must be carried out.

Harm

Release of all information would reveal details of operational activity as well as PSNI policy and procedures. A disclosure under FOI is a release of information into the public domain and not just to the applicant requesting the information.

Disclosure of this information into the public domain could be used by those intent on criminal activity for their own purposes, thus adversely affecting PSNI's law enforcement role. This would therefore both directly and indirectly impact on the prevention and detection of crime, the apprehension of criminals and increase the fear of crime in the community the police service seeks to serve.

Public Interest Test

Factors favouring disclosure – Section 31

Release of the requested information would lead to a better informed public and would demonstrate openness and transparency. Disclosure could reassure the public that PSNI are using resources appropriately to enforce the law and ensure individuals are kept safe.

Factors favouring retention – Section 31

Release of information which could compromise PSNI's law enforcement abilities will not be in the public interest. Details which can educate criminals on police tactics will not assist police with apprehending and prosecuting offenders.

Decision

The PSNI considers that the factors favouring withholding the information are stronger than those in favour of disclosing the requested information. Whilst it is acknowledged that where possible policing matters must be transparent and accountable, the security and effective law enforcement including the development of policing tools and methodologies is important in effective law enforcement. Weakening the mechanisms used to monitor and investigate any type of criminal activity would clearly increase risk.

Whilst there is a public interest in releasing the information requested the PSNI must ensure that law enforcement is not adversely affected by the release of material which reveals its operational methodology or use of tactics.

In this case the public interest favours withholding the information that PSNI has applied redactions to. PSNI is however providing you with as much information as it can which does not impede on its law enforcement capabilities.

In addition, 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 exemptions:

Section 23(5) Information Supplied by, or concerning, certain Security Bodies – confirmation or denial would likely prejudice information directly or indirectly supplied to the public authority by, or relates to, any specified bodies.

Section 23 is an absolute exemption and a public interest test is not required. Section 23 has an automatic bar to disclosure of information.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

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 Corporate Information Branch, 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 Corporate Information Branch, 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.psnipolice.uk

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