

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-02318

Keyword: Crime

Subject: Modern Slavery

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 information to which your request relates and this is partially being provided to you. We further consider the information you seek in request numbers 1, 2 and 3 is partially exempt by virtue of Section 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 1

The type and number of each charge by suspect for modern slavery in 2015, 2016, 2017, 2018 and 2019, and for the end of the latest quarter in 2020.

Please split the outcomes by the number of suspects convicted / not convicted and the relevant charges against each suspect.

Answer

Please find the information requested from 2015 – 2019 in the separate document, provided in uncorrelated tables as it refers to low level data and to prevent any identification. The information has been extracted from the database for custody charges data where a person has been arrested custody for an offence which relates to 'modern slavery'.

In addition the information for 2020, has been withheld in full, as it refers to low level data and to ensure that any person **cannot be identified** it has been fully exempt for the reasons as articulated below.

In conjunction with the information provided , please note that a person may convicted without having been charged, i.e. summonsed to court or an offence may have been added at court which does not appear in the custody charges data.

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

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

The full text of exemption 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

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'). There is information within the information you seek which can identify individuals including members of staff and individuals from other public authorities and police services across the UK, including their direct contact details. 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. A person would not have any reasonable expectation PSNI would disclose such information of this nature about them into the public domain. 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.

Request 2

Of those convicted, how many were given immediate custodial sentences and for what charge?

Request 3

How long was the sentence in months for each of those given an immediate custodial sentence?

Answers

A total of 6 persons were convicted, however any further information regarding the conviction data has been withheld as it is considered to be low level and PSNI need to ensure that a person cannot be identified; therefore it has been exempt for the reasons as articulated above.

In addition convictions may exist for modern slavery offences where the person was not arrested, processed through police custody and subsequently charged. They may have summonsed to court or additional offences may have been added at court, therefore the data is not suitable to identify all convictions.

Information relating to convictions is provided by NI Courts Service and the Public Prosecution Service to PSNI for information purposes only and may not be wholly accurate.

Under Section 16 'duty to assist' PSNI can advise that a total of 3 persons were convicted in 2016, however as these convictions were in relation to charges/ reports/arrests prior to 2015, therefore this data falls outside the specified timeframe of your request from 2015-2020.

Please note that the following offences were used in the search for the information provided in response to request number 1 of your request.

Conspiracy To Traffick Within The UK For Exploitation
Arranging Or Facilitating Travel Of Another With A View To Exploitation
Committing An Offence With Intent To Commit A Slavery Or Human Trafficking Offence
Human Trafficking
Committing An Offence Of Kidnapping Or False Imprisonment With Intent To Commit A Slavery Or Human Trafficking Offence
Trafficking Within The UK For Purposes Of Sexual Exploitation (By Another)
Trafficking Out Of The UK For The Purposes Of Sexual Exploitation
Trafficking Into The UK For Sexual Exploitation
Trafficking Into The UK For Sexual Exploitation (Facilitating Another)
Trafficking Outside Of The UK For Sexual Exploitation
Trafficking Within The UK For Sexual Exploitation
Trafficking People Within UK For Exploitation
Trafficking Of People Into UK For Exploitation
Concealing Criminal Property
Converting Criminal Property
Transferring Criminal Property
Controlling Prostitution for gain
Requiring Another Person to perform Forced or Compulsory Labour
Acting as an Unlicensed Gangmaster
Entering into an agreement to acquire criminal property (2014)
Fraud by False Representation

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.