



Our Ref: 000031/21

Your Ref:

Address Correspondence to: Information Management

Date 28 January 2021

### **Freedom of Information Act 2000**

I write further to your request for information received 04/01/2021.

I note you seek access to the following information:

- 1a. Please provide the number of arrests you made in 2019/20 regarding online sexual offences of any kind related to children.*
- 1b. Please provide a breakdown of all the sexual offences associated with these arrests: e.g. section 8 of SOA 2003 [insert number]; section 10 of SOA 2003 [insert number]; section 12 of SOA 2003 [insert number] section 14 of SOA 2003 [insert number]; and section 15 of SOA [insert number]; section 127 of the Communications Act 2003 [insert number].*
- 1c. Please specify the number of these arrests that involved at least one child decoy. By 'child decoy' I am referring to an adult who pretends to be a child.*
- 2. Please provide the number of arrests you made in 2019/20 in connection with online sexual offences against children based on evidence acquired by your own officers acting as decoys.*
- 3. Please provide the number of arrests you made in 2019/20 in connection with online sexual offences against children based on evidence provided to you by so-called paedophile hunters.*
- 4. Please provide the names of all so-called paedophile hunting groups who provided information to you that led to the arrest of individuals in connection with sexual offences against children in 2019/20.*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

### **Your request for information has now been considered and the information asked for is as follows: -**

- 1.a. Please see attached spreadsheet containing information relating to this question.
- 1.b. Please see attached spreadsheet containing information relating to this question.
- 1.c. Leicestershire Police can neither confirm nor deny that we hold any information relating to this question as detailed below.

2. Leicestershire Police can neither confirm nor deny that we hold any information relating to this question as detailed below.

3. Please see attached spreadsheet containing information relating to this question.

4. Information relating to this question is considered exempt by virtue of Section 40(2).

### **Section 40 (2) – Personal Information**

Section 40(2) is a class based absolute exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. However, as Section 40(2) is engaged and in order to make the exemption absolute we need to evidence that a data protection principle would be breached by disclosure. In this case it would not be fair to process confidential information which could lead to the identification of an individual, therefore the first principle of the Data Protection Act would be breached.

Leicestershire Police neither confirms nor denies that it holds information relevant to questions 1.c. and 2 of this request by virtue of the following exemptions.

- Section 23(5) Information supplied by or concerning certain Security Bodies;
- Section 31(3) Law Enforcement
- Section 40(5) Personal Information

Section 23 & 40 are class based absolute exemptions and there is no requirement to consider the public interest in this case.

Confirming or denying the existence of whether any other information is held would contravene the constrictions laid out within Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information supplied by, or concerning, certain Security Bodies.

### **Section 40(5A)&(5B)(a)(i) of the Act provides:**

(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles

<http://www.legislation.gov.uk/ukpga/2018/12/schedule/19/paragraph/58#schedule-19-paragraph-58-2-b>

Section 40 of the Freedom of Information Act 2000 is designed to address information that is covered by the Data Protection Act 2018.

Under section 40(5), Leicestershire Police is not required to comply with the requirements of section 1(1) (a) i.e. the duty to inform the applicant whether or not the information is held.

In most cases Personal Data is exempt from disclosure under the Freedom of Information Act as I will explain below.

To confirm or deny whether personal information exists could publicly reveal information about an identifiable individual or individuals, thereby breaching the right to privacy afforded to persons under the Data Protection Act (DPA) and the General Data Protection Regulation (GDPR) 2018.

Where an individual is requesting his or her own personal data the information is always exempt. Such information can be requested under other legislation.

Where an individual is requesting third party personal data Leicestershire Police must ensure that any action taken adheres to the principles of the Data Protection Act 2018 and the GDPR. To clarify, the Freedom of Information Act only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under section 34 of the DPA 2018 and under Article 5 of the GDPR.

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

### **Harm**

As you may be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any information is held by forces would show areas of police vulnerability. The public expect police forces and other law enforcement agencies to use all powers and tactics available to prevent and detect crime or disorder and maintain public safety. Law enforcement tactics would be compromised which would hinder the prevention or detection of crime if the level of use of such tactics were openly discussed. This would impact on police resources, more crime would then be committed and individuals placed at risk.

### **Factors favouring confirmation or denial for S31**

By confirming or denying whether any relevant information is held, would allow the public to gain a greater understanding of where public funds are being spent. Better public awareness may lead to more information from the public.

### **Factors against confirmation or denial for S31**

Confirming or denying whether any information is held in relation to this request at this time would not be in the public interest and has potential to undermine any ongoing investigation. This would ultimately hinder the prevention and detection of crime.

The public entrust Leicestershire Police to handle information they provide appropriately and in line with legislative guidelines, e.g. Data Protection Act. To reveal detail of whether or not such information is known to the Constabulary would act as a deterrent to the public to provide information to the force and also hinder the prevention or detection of crime.

Police forces rely on information being supplied by the public. Irrespective of what other information is or isn't held, by applying substantive exemptions would indicate that information is held and is currently being investigated. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

### **Balance**

The points above highlight the merits of confirming or denying whether information pertinent to this request exists. The security of the country is of paramount

importance and the Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve.

The Police Service will not divulge whether information is or is not held if to do so would place the safety of an individual at risk or undermine national security. Whilst there is a public interest in the transparency of policing operations and investigations, providing assurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both national security and the integrity of police operations when delivering effective operational law enforcement to ensure the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained.

At this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information exists.

**Of course no inference can be drawn from these facts that any information does or does not exist.**

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer  
Leicestershire Police

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