

**Information Governance Unit
Information Management Branch**

XXXX

2 September 2010

Dear XXXX

FREEDOM OF INFORMATION REQUEST REFERENCE NO: XXXX

I write in connection with your request for information dated 08/07/2010, which was received by Greater Manchester Police on 26/07/2010 after clarification, for the following information:

Your Request

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act.

Further clarification received 26.07.10

This is a clarification on my FOI regarding female sex offenders.

A number of forces are have come back to me to say they do not hold details of convictions.

If this is the case with your force, please alter the FOI to the follow:

"How many females have been subject to sex offender registration?"

The subsidiary questions still stand, as do the dates I requested this information for.

For each instance, I would like to know the following information: -

1a) The Number of females have been subject to sex offender registration.

1b) The age of the offender;

2) What offence(s) was/were committed;

3) What happened while the offence(s) was/were committed - ie. please provide specific details about the offence(s) committed;

4) The date the offence(s) was/were committed;

5) What the punishment for the offence(s) was/were;

6) The nationality of the offender;

7) If available, please provide the name of the offender.

Response

Following receipt of your request searches were conducted within Greater Manchester Police to locate information relevant to your request. I can confirm that the information you have requested is held by Greater Manchester Police.

Question 1a. The number of females who have been subject to sex offender registration for the requested period is as follows:

7th July 2007 – 7th July 2008 – 3

7th July 2008 – 7th July 2009 – 1

7th July 2009 – 7th July 2010 – 2

Questions 1b – 7, have been considered and I am not obliged to supply the information you have requested, harm has been identified in providing the 'the age of the offender', 'what offence was/were committed', 'what happened while the offence(s) was/were committed', 'the date the offence(s) was/were committed', 'what the punishment was', 'the nationality of the offender' and 'the name of the offender'.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because the information is exempt) to provide you, the applicant, with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemptions applicable to the information are;

Section 31(1)(a)(b), which is a qualified and prejudice based exemption and relates to Law Enforcement. Information is exempt if its disclosure under this Act would, or would be likely to prejudice (a) the prevention or detection of crime, (b) the apprehension or prosecution of offenders and (c) the administration of justice

Section 38(1)(a)(b), which is a prejudice based and qualified exemption and relates to the Health and Safety. Information is exempt information if its disclosure under this Act would, or would be likely to (a) endanger the physical or mental health of an individual, or (b) endanger the safety of any individual.

Section 40(2)(3), which is a classed based and absolute exemption and relates to Personal Information that is likely to identify a third party and therefore any disclosure of the requested information under The Freedom of Information Act, is likely to breach principle 1 of The Data Protection Act 1998 and would be considered unfair to those individuals and cause undue distress to the victims of these crimes.

Section 44(1)(a) (c), which is a classed based and absolute exemption and relates to Information covered by prohibitions on disclosure.

However, section 31 and 38 are both qualified and prejudice exemptions and therefore, are subject to a Public Interest Test, this is to establish whether the public interest in maintaining the exemptions may be outweighed by a wider public benefit in disclosure of the requested data. Furthermore, because these exemptions are prejudice based there is also a requirement, to articulate the harm that is likely to be caused in disclosing the requested information. Please note, section 40 and 44 are classed based and absolute exemptions and therefore there is no requirement to consider the public interest test in these areas.

Harm in Disclosure

It is considered that there is harm in disclosing the information relating to 'the age of the offender', 'what offence was/were committed', 'what happened while the offence(s) was/were committed', 'the date the offence(s) was/were committed', 'what the punishment was', 'the nationality of the offender' and 'the name of the offender'. as it is believed that disclosure of any part of the information would likely to lead to the identification of the offender or the victim(s). Although it may only enable a select few to identify these persons (i.e. family and friends etc), in this case because the information is of a particularly sensitive nature any public disclosure of this information could lead to the unnecessary distress and mental harm to the victim(s) and it could also be argued that a disclosure of the requested information could contravene their human rights.

In addition the disclosure, of information relating to female sex offenders are invariably, and understandably, emotive due to the actual and perceived nature of these crimes. On occasion, however, this strength of feeling has escalated to such a degree that both Registered Sexual Offenders (RSOs) and innocent persons have been targeted by those in our society who feel it is appropriate to take vigilante style action. For example, in January 2007 there were attacks on a home for persons with learning disabilities in Havant, when misinformation and rumour became so entrenched that some local people decided, quite wrongly, that the individuals must be sex offenders. Similarly, in 2004, crowds converged on a family home in the mistaken belief that Maxine Carr was being housed there. The rumour had spread from a discussion in an internet chat room. Information officially released into the public domain, whether through FOIA responses, police media statements, court reporting or MAPPA reports, becomes accessible and available for wide circulation in this way, and can then be combined with local knowledge, supposition and rumour, with a view to identifying offenders.

When similar personal information relating to RSOs has been published on previous occasions, a clear relationship between the publication of the information and subsequent public order incidents can be demonstrated. This is evidenced by the well-documented riots in Paulsgrove, Hampshire, in 2000, and the attacks on an individual previously convicted of sexual offences in 2006. Both incidents followed the publication of details identifying named individuals in national newspapers, and the subsequent attacks indicate that persons are placed at risk of physical and mental harm by such disclosures.

This harm is likely to occur because the requested information is not only personal information relating to specific individuals, but is also information that is sufficient enough in detail for others to attempt to make identifications based upon all, or part, of it. Examples drawn from instances when similar information has been disclosed on previous occasions indicate that it is highly likely that some individuals sharing the same name as a missing RSO, or who bear a resemblance to a published photograph, will be misidentified and subsequently subject to intimidation and physical harm.

Moreover, the information requested relates to specific police investigations and disclosure of this information could harm any future re-opening of these cases. Moreover, the relationship of trust built up between the public and GMP has taken many years to be developed and this could so very easily be destroyed with the disclosure of the requested information.

In addition, the release of this type of information could irreparably damage the trust that members of the public have in the force and discourage members of the public coming forward and reporting such crimes or providing information that relates to a crime, which could be vital to the investigation. This damage to the flow of information to the force could

mean the difference between an offender being brought to justice or continuing to pose a threat and cause harm to the community.

Public Interest Test

Section 31

Factors in favour of disclosure

Disclosure of this information would give the general public a greater understanding of how GMP robustly investigates these types of offences.

In addition a disclosure of the requested information, would promote the public's trust in demonstrating openness and accountability, it would also show that these types of offences are being taken very seriously and investigated thoroughly by GMP.

Factors in maintaining the exemption

If 'the age of the offender', 'what offence was/were committed', 'what happened while the offence(s) was/were committed', 'the date the offence(s) was/were committed', 'what the punishment was', 'the nationality of the offender' and 'the name of the offender', were released, then witnesses and victims may be identified and this could discourage other witnesses or victims coming forward and reporting such crimes to the force for fear of being identified themselves, furthermore, this loss of vital intelligence would be detrimental to the primary policing functions of the force, which is, to detect and prevent crime. Moreover, the force could be in contempt of court in releasing information into the public domain that is likely to identify victim(s).

Section 38

Factors in Favour of Disclosure

If the offender(s) or victims are identified to the public, it could mean further investigation being provided to the force about that crime, which could lead to the re-opening of the case(s) and a further investigation being conducted. In addition, because the topic of 'female sex offenders' is such a sensitive and emotive one, disclosure of the requested information would provide awareness to the community and could contribute to more accurate debate surrounding this subject.

Factors In Maintaining the Exemption

Given that these crimes are of a sexual nature and are particularly distressing, releasing this information could harm the mental health and well-being of those who were aggrieved. Victims of any kind of offences, but particularly sexual offences, can expect the police to deal sensitively and cautiously with any information they hold relating to an investigation, therefore, if the detailed information requested were to be released into the public domain it could cause the victim of those crimes severe emotional harm and anxiety and as explained above it could also result in attacks on the offenders.

Balancing Test

GMP is tasked with protecting the community it serves, detecting, preventing crime and apprehending offenders and it will not disclose information if it would jeopardise those important roles. By disclosing the requested information in this particular case, would mean that criminal investigations would be less effective and the small benefit in increased public awareness would not be adequate compensation for such an impact on society.

Although 'female sex offenders' is an extremely sensitive and emotive subject area, which the public is entitled to be kept informed about, this does not outweigh the forces' obligations to the public in the prevention and detection of crime. It is therefore GMP's opinion at this time that the balance lies in favour of non-disclosure of 'the age of the offender', 'what offence was/were committed', 'what happened while the offence(s) was/were

committed', 'the date the offence(s) was/were committed', 'what the punishment was', 'the nationality of the offender' and 'the name of the offender'.

The public's safety and law enforcement role of GMP is of paramount importance and the force will not divulge information if to do so, would place the safety of an individual at risk, cause undue emotional distress or physical harm to an individual or undermine or prejudice the prevention or detection of crime.

Therefore, having considered all the factors for disclosure and maintaining the exemptions in relation to section 31 and 38 above, it is the decision at this time to maintain the above exemptions and withhold the requested information in questions 1b – 7 from disclosure.

Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint.

Should you have any further inquiries concerning this matter, please write or contact me, on telephone number 0161 856 2529 quoting the reference number above.

Yours sincerely,

Information Access Officer

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require Greater Manchester Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Information Governance Unit, Information Management Branch, Police Headquarters,
Chester House, Boyer Street, Manchester M16 0RE

Tel: 0161 856 2529/2668, Fax: 0161 856 2535, Minicom: 0161 872 6633,

Email: freedomofinformation@gmp.police.uk

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of Greater Manchester Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a complaint with Greater Manchester Police to have the decision reviewed.

Complaints should be made in writing and addressed to:

Freedom of Information Officer
Information Governance Unit, Information Management Branch
Greater Manchester Police
Police Headquarters
Chester House
Boyer Street
Manchester
M16 0RE

The Information Commissioner

After lodging a complaint with Greater Manchester Police if you are still dissatisfied with the decision you can make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 700