

Our ref: 01/FOI/23/011500/X

Please quote our reference
number when responding

Tuesday, 31 October 2023

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/23/011500/X

I write in connection with your request for information dated 16/10/2023, I note you seek access to the following information:

1.A: How many complaints regarding sexual misconduct has the force received from staff between 1 October 2022 to 1 October 2023?

1.B: Can these complaints be broken down by type of sexual misconduct i.e. sexual assault, rape, sexual coercion etc?

2. A: How many complaints regarding sexual misconduct has the force received from the public regarding police officers between 1 October 2022 to 1 October 2023?

2. B: Can these complaints be broken down by type of sexual misconduct i.e. sexual assault, rape, sexual coercion etc?

3.C How many police officers have been dismissed from the force for sexual misconduct during this period?

Result of Searches

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

Caveats

- Data relates to Police officers & Special Constables only.
- Cases recorded as Public Complaints or Internal Conduct matters by PSB.
- The cases referred to below have already been concluded & found as No Case to Answer/Service Acceptable/Withdrawn.

Response

Question 1.A – 50 Cases containing 83 allegations against 50 officers.

Question 1.B – This information is held by GMP but I am not obliged to provide it as an exemption applies.

The information has been exempted from disclosure under **Section 40(2) Personal Information** – this information constitutes personal data of an identifiable living individual, and to disclose this information would breach the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Personal data is defined by Section 1 of the Data Protection Act 1998 and means data that relates to an individual who can be identified directly or indirectly from that data.

Question 2.A – The information requested is exempt from disclosure by virtue of Section **22(1)(a) – Information intended for future publication**. The National Police Chiefs Council (NPCC) is coordinating a Historic Data Wash of Police Workforce Nominal Records against the Police National Database (PND). The current intention is to publish this by no later than January 2024.

As the exemption used is a qualified exemption a public interest test (PIT) needs to be applied.

Public Interest Test

Factors Favouring Disclosure

Disclosure of the requested information at the present time would allow the public to have access to the information immediately, would enhance public knowledge of the subject and would promote the accountability and aid transparency of GMP.

Factors Favouring Non-Disclosure

Reviewing and formatting the data at the present time, in response to a Freedom of Information request, would be a duplication of work and would involve a disproportionate use of GMP resources and would not be an economical use of public funds.

Additionally, prior to publication of the Data Wash, work will need to be conducted to ensure that the final publication meets the full needs of the public and the authorities involved. This coordinated approach to publication mitigates any harm that may be caused by random incomplete information entering the public domain.

Balancing Test

When balancing the Public Interest Test, we have to consider whether the Public Interest is best served by the release of the information into the public domain immediately or by the

withholding of the information. Arguments need to be weighed against each other. The most persuasive reason for disclosure is the facilitation of transparency of GMP, which needs to be weighed against the strongest negative reason, which, in this case, is the potential for harm caused by premature release of information prior to the full scrutiny process having occurred.

Therefore, the stance at this time is that the requested data is exempt from disclosure in response to a Freedom of Information request due to its future official publication by NPCC.

Question 2.B – This information is held by GMP but I am not obliged to provide it as an exemption applies.

The information has been exempted from disclosure under **Section 40(2) Personal Information** – this information constitutes personal data of an identifiable living individual, and to disclose this information would breach the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Personal data is defined by Section 1 of the Data Protection Act 1998 and means data that relates to an individual who can be identified directly or indirectly from that data.

Question 3.C - 15 Officers have been dismissed or would have been dismissed if still serving.

In addition to the figures above, Greater Manchester Police can neither confirm nor deny that it holds any other information relevant to this request as the duty in Section 1(1)(a) if the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

- **Section 30(3) – Investigations and proceedings conducted by the public authority**
- **Section 31(3) – Law enforcement**
- **Section 40(5) – Personal information**

When citing s40(5), there is a requirement to consider whether disclosure would be fair. In this case released would not be fair and therefore section 40(5) is classed as absolute and there is no requirement to consider the public interest.

Evidence of Harm

Should officers currently be subject to investigations for allegations of misconduct, it would likely ensue that in some cases, formal charges may be made. However, we also need to consider that not all allegations are proven and may not lead to a formal charge.

To confirm or deny that any other information is held, would highlight that officers are or are not currently subject to an investigation. Irrespective of whether any other information is or isn't

held, ongoing investigations would also be compromised if the offender were made aware an investigation into their behaviour is ongoing, which would enable steps to be taken by them to alter their behaviour and/or destroy evidence.

Public Interest Test

Section 30 – Factors favouring complying with Section 1(1)(a) confirming or denying information is held:

Confirming or denying whether any other information exists relevant to this request, would lead to a better-informed general public by identifying that Greater Manchester Police robustly investigate all aspects of offending, including allegations made against their own officers. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

Section 30 - Factors against complying with Section 1(1)(a) neither confirming nor denying information is held:

Confirmation or denial that any other information is held for this request, would suggest Greater Manchester Police take their responsibility to appropriately handle and manage intelligence supplied to them flippantly. Under the Freedom of Information (FOI) Act, there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts which would undermine the investigative process, and in such cases, Greater Manchester Police takes advantage of its ability under FOI legislation to, where appropriate, neither confirm nor deny that information is or is not held. Irrespective of what information is or isn't held, any information which could be used to undermine prosecutions or aid offenders to continue with their abuse, is not in the public interest.

Section 31 – Factors favouring complying with Section 1(1)(a) confirming or denying information is held:

Disclosure would provide transparency in the way police officers are dealt with when suspected of inappropriate conduct and illegal actions and may improve public debate into the credibility of how Greater Manchester Police deals with these allegations within the force. It would also serve to demonstrate that Greater Manchester Police are open and accountable.

Section 31 - Factors against complying with Section 1(1)(a) neither confirming nor denying information is held:

To confirm or deny that any other information is held, would risk undermining the investigative process whilst determining whether any officer is responsible for improper conduct; Greater Manchester Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would undermine an investigation, this could be

used to offenders' advantage, which would compromise any potential victims and public safety generally. It may also encourage offenders to carry out further crimes as detailed within the harm above.

Greater Manchester Police relies on information being supplied by the public. Irrespective of what further information is or isn't held in relation to this request, by applying substantive exemptions would indicate that other information is held and there are currently other ongoing investigations. 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 Test

The factors above highlight the merits of confirming, or denying, whether any other information pertinent to this request exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various operations may or may not be ongoing. The Police Service will never divulge whether or not information pertinent to a request does or does not exist, if to do so would compromise an ongoing investigation, or undermine the policing purpose in the effective delivery of operational law enforcement. Whilst there is a public interest in the transparency of policing operations and investigations particularly in relation to our own officers, it will be overridden in exceptional circumstances. Therefore, at this moment in time, it is my opinion that for these factors, the balance test for neither confirming nor denying that any other information is held is appropriate.

No inference can be taken from this refusal that further information does or does not exist.