



Our ref: 01/FOI/23/011251/Z

Please quote our reference
number when responding

Thursday, 14 September 2023

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/23/011251/Z

I write in connection with your request for information dated 24/08/2023, I note you seek access to the following information:

How many arrests, cautions or reports have been made for offering or aiding with hymenoplasty/virginity testing under the Health and Care Act 2022 since April of 2022.

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 the information you have requested is held by Greater Manchester Police, but I am not obliged to provide any of it as exemptions apply.

Section 17 of the Freedom of Information Act 2000 requires GMP, 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 that would not otherwise be apparent) why the exemption applies.

The information has been exempt from disclosure by virtue of the following exemptions:

- **Section 40(2) – Personal Information**
- **Section 31(1)(a)(b) – Law Enforcement**
- **Section 38(1) – Health and Safety**

Section 40 is an absolute exemption; therefore it is not necessary to carry out a public interest test.

Sections 31 & 38 are prejudice-based and qualified exemptions. There is a requirement to articulate the harm in disclosing such information as well as carrying out a public interest test.

Overall Harm

This Act provides the public with a general right of access to recorded information held by public authorities. However, information disclosed under this Act is effectively released into the public domain, or to the 'wider world', and not only to the person making the request.

The virginity testing and hymenoplasty are forms of violence against women and girls and are part of the cycle of so called 'honour-based' abuse. The reason for withholding the data is that potentially if the force could release low figures that might allow individuals to be identified or to let offenders know whether or not their crimes were received by the police. Due to the seriousness and sensitivity of the subject matter, there is a real risk to both the physical and mental health of the victims involved including their family members and close friends.

Protecting the safety of the public is of paramount importance to GMP and information that would compromise such health and safety would not be disclosed within a response to a Freedom of Information request.

Moreover, disclosure of the number of virginity testing and hymenoplasty could compromise the efficient and effective conduct of the force. To disclose such data may hinder the prevention and detection of crime for ongoing and future investigation and also cause harm to members of the public and place extra strain on police resources.

Public Interest Test

Factors Favouring Disclosure S38

There would be better awareness may also lead to better public debate, as it could be seen how GMP are using its resources to tackle crime and disorder. Furthermore, there is always a need to disclose information which relates to the spending of public money. It is in the public's interest to see how resources are balanced across GMP.

Factors Favouring Non-Disclosure S38

The data can be harmful and could place an individual at risk and is likely that individuals could be identified and located which will then undermine policing by creating not only a fear of crime but the occurrence of crime. It is of paramount importance that those who have been victims of the crimes are protected.

Factors Favouring Disclosure S31

There would be better awareness amongst the public, which may reduce crime or lead to more information being volunteered from the public. Individuals wishing to break the law may be deterred from such actions if they were aware of the capabilities of the force.

Factors Favouring Non-Disclosure S31

Law enforcement tactics would be compromised, and individuals placed at risk. There is also potential for a greater impact on police resources, as there is a possibility that this could hinder the prevention and detection of crime and more crime may be committed.

Any information, if disclosed, may assist potential criminals in evading the police as more vulnerable areas would become evident. A fear of violence against women and girls will be realised as criminals identify vulnerable areas and target and exploit these areas resulting in the public being in fear of more criminal activity occurring.

Balancing Test

When balancing the public interest test GMP has to consider whether the information should be released into the public domain, therefore arguments need to be weighed against each other.

The most persuasive reason for disclosing the information would be the fact that disclosure would encourage transparency, which needs to be weighed against the strongest reasons for non-disclosure, which in this case is the likelihood of individuals being put at risk. The safety of the communities GMP protect is of paramount importance and the Force would not detrimentally impact on that safety by disclosing harmful information in response to a FOI request.

Therefore, having considered all the factors for and against disclosure it is the decision at this time to maintain the above exemptions and withhold the information from disclosure.

In accordance with the Act, this letter represents a Refusal Notice for your request.