



Home Office

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Assurance and (switchboard)
Governance Directorate www.gov.uk
2 Marsham Street
London SW1P 4DF

Cathy Fox
request-393306-
c75a8177@whatdotheyknow.com
25 May 2018

Dear Ms Fox

Freedom of Information request (our ref. 43350): internal review

Thank you for your e-mail of 11 February 2018, in which you requested an internal review of our response to your Freedom of Information (FoI) request.

I have now completed the review. I have examined the response and I have considered whether the correct procedures were followed and assessed the reasons behind the response. I can confirm that I was not involved in the initial handling of your request.

Your request can be viewed at **Annex A** and response is at **Annex B**. The response disclosed some of the information to you, but exempted others from disclosure under sections 31(1)(a), 31(1)(b) and 40(2) of the FOI Act.

Your internal review request is at **Annex C**, but the crux of your complaint comprised of three main elements.

- You were unhappy with the length of time it took to answer your request.
- You also sought clarification on a number of points you felt remained outstanding.
- You wanted a review of the redactions made.

I have started with a review of the redactions. Having considered the information in scope and the redactions made I can confirm that the redacted information has been correctly withheld. The public interest test arguments explained that there is a “need to avoid any action which could hamper police investigations and have the effect that offenders are less likely to be brought to justice.” The Home Office has only withheld information where we are uncertain whether any investigation is ongoing. Under the Act the Home Office is only able to consider the information it holds and if we do not have the information we are not obliged to create new information in order to answer a request. If we are uncertain if an investigation is ongoing we are not obliged to seek out information to confirm it. The public interest therefore lies in maintaining the law enforcement exemption in such circumstances.

The Home Office regrets the length of time it took to answer your request. Our planned response, which you received, was delayed during the clearance process. The Home

Office wanted to ensure it was answered correctly, but accepts that in this case we took far too long. We are working to ensure that such delays do not occur in the future.

You also sought the names of the highest level people responsible for the response. One such individual is Rebecca Egan, Deputy Director. The next most senior individual is below the grade of Senior Civil Servant and his/her name is therefore exempt under section 40(2) of the FOI Act. In accordance with previous Information Commissioner Decision notices and Tribunal decisions, personal information of Civil Servants below the Senior Civil Servant grade is regarded as exempt.

You also wanted to know why in your words “they illegally chose not to answer”. The Home Office does not accept that anyone “illegally chose not to answer” as a response was issued, it was just regrettably late.

You also asked why the Home Office calls the information a non comprehensive and high level summary. The Home Office has addressed this point previously. As part of the internal review we carried out for FOI case 36902, you were informed that it was called a high level summary because “it had been collated from basic information provided by different police forces and did not contain details of every investigation”. We have no more to add.

In answer to your final point, whether “the Home Office in the habit of breaking the law as far as FOI on child sexual abuse? Please answer this under advice and assistance.” The answer to your question is ‘No’. As we advised previously in this internal review the response was late due to delays with the clearance process, and at the same time the Home Office also wanted to be sure your request was answered correctly.

Conclusion

I conclude that the original response was correct, but the Home Office regrets that it was delayed. This completes the internal review.

Yours sincerely

Martin Riddle
Information Rights Team

Switchboard 020 7035 4848
E-mail FOIRequests@homeoffice.gsi.gov.uk

Annex A – Original request

Dear FOI Responses,

Please provide the previously manually compiled non-comprehensive list of police child sexual abuse investigations that is no longer current with date of compilation.

Yours sincerely,

Annex B – Response

Dear Ms Fox

Freedom of Information request reference: 43350

Thank you for your e-mail of 28 March 2017, in which you ask for the previously manually compiled non-comprehensive list of police child sexual abuse investigations that is no longer current, with date of compilation. Your request has been handled as a request for information under the Freedom of Information Act 2000 (FOIA). I am sorry for the delay in replying.

I am able to disclose most of the information that you have requested. The list, with the date it was last updated, accompanies this letter. After careful consideration we have decided that some of the information in the list is exempt from disclosure under sections 31(1)(a) and 31(1)(b) of the FOIA. These provide that information can be withheld where disclosure would be likely to prejudice the prevention and detection of crime (section 31(1)(a)) or the apprehension or prosecution of offenders (section 31(1)(b)).

The exemptions are engaged, in respect of the information which has been redacted from the list, because disclosure of this information could prejudice ongoing investigations. Sections 31(1)(a) and 31(1)(b) are qualified exemptions which require a test of the balance of the public interest. This is provided in the attached Annex.

In addition, some information has been withheld under section 40(2) (personal information) of the FOIA because it could enable the identification of individual victims. Section 40(2) is an absolute exemption which does not require a public interest test.

Please note that the list is a snapshot of information available at the time, compiled for internal purposes only. We cannot guarantee the current accuracy of the information which it contains.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gsi.gov.uk, quoting reference 43350. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

Safeguarding Unit

Annex: Public interest test in relation to sections 31(1)(a) and 31(1)(b)

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in favor of withholding the information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The FOI Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone.

Public interest considerations in favour of disclosing the information

There is a general public interest in openness and transparency. The extent and outcome of investigations into child sexual abuse is clearly a matter of strong public interest.

Public interest considerations in favour of withholding the information

The above considerations must be balanced against the need to avoid any action which could hamper police investigations and have the effect that offenders are less likely to be brought to justice.

Conclusion

The requirement to avoid any prejudice to these investigations is overwhelming and we conclude that the balance of the public interest lies in maintaining the exemptions and withholding the information which has been redacted from the list.

Date: 31 January 2018

Annex C – Internal Review

Dear Home Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Home Office's handling of my FOI request 'Summary of current child sexual abuse operations'.

Thankyou for your eventual reply after way over 2 years - see 2015 Sept 23 WDTK FOI to Home Office

https://www.whatdotheyknow.com/request/summary_of_current_child_sexual#outgoing-700075

and 2017 Mar 4 WDTK FOI request to Home Office

https://www.whatdotheyknow.com/request/summary_of_current_child_sexual#outgoing-629886.

You only replied when you were threatened by the ICO with a contempt of court. Although you offered a very brief apology. This is unacceptable to not reply for so long and not even offer an explanation, please detail why you did not reply for so long.

There is suspicion of course that the Home Office are trying to hide past child abuse of their own and such a length delay only feeds into this concern.

Please also tell me who were the highest level people responsible for answering the 2 requests and why they they illegally chose not to answer. You still have not addressed this point which was part of my question

https://www.whatdotheyknow.com/request/summary_of_current_child_sexual#outgoing-725277

I also asked "However please could you explain why you call it non comprehensive and high level summary, with the answer to my request, so that I may understand the terminology used." please address this point.

Is the Home Office in the habit of breaking the law as far as FOI on child sexual abuse? Please answer this under advice and assistance.

I must also ask for an internal review on the redaction.

"Public interest considerations in favour of disclosing the information There is a general public interest in openness and transparency. The extent and outcome of investigations into child sexual abuse is clearly a matter of strong public interest.

Public interest considerations in favour of withholding the information The above considerations must be balanced against the need to avoid any action which could hamper police investigations and have the effect that offenders are less likely to be brought to justice.

Conclusion

The requirement to avoid any prejudice to these investigations is overwhelming and we conclude that the balance of the public interest lies in maintaining the exemptions and withholding the information which has been redacted from the list"

I do not believe that there is any prejudice to the operations by mentioning the names of those operations, which after all are randomly generated. Furthermore some operations are obviously over eg Patrick Rock, how could that prejudice the operations? Please explain I do not believe your Public Interest test is thorough enough. Please release all information from operations that have finished and all operation names and police forces involved

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/summary_of_current_child_sexual

Yours faithfully,

Annex D – Complaints procedure

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your Fol request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF