



## Ministry of Defence Police

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[REDACTED]  
By email  
[REDACTED]

Our Ref: eCase: FOI2015/08205 RFI:194/15  
Date: 20 October 2015

Dear [REDACTED],

### **FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: CURRENT MOD POLICE CHILD SEXUAL ABUSE OPERATIONS.**

I refer to your email dated 21<sup>st</sup> September 2015 which was acknowledged on the 6<sup>th</sup> October 2015. We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email of the 21<sup>st</sup> September 2015 you requested the following information:

**“Please could you list the names of the current MOD Police child sexual abuse Operations, the date it started, the number of police and staff assigned to it and a brief description of each operation”**

The Ministry of Defence Police can neither confirm nor deny that it holds information pertinent to this request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 23(5) Information relating to the Security bodies  
Section 30(3) Investigations;  
Section 31(3) Law enforcement;  
Section 40(5) Personal Information

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case. Confirming or denying existence of information held would contravene the constrictions laid out with Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

Section 30 is a class based qualified exemption. There is a requirement to consider the public interest to ensure neither confirming nor denying that information is held is appropriate.

Section 31 is a prejudice based qualified exemption which means the evidence of harm 'prejudice' needs to be evidenced and the public interest considered to ensure neither confirming nor denying information is held is appropriate.

Section 40(5) is an absolute exemption because disclosing third party personal data would breach the 1<sup>st</sup> principle of the Data Protection Act 1998.

### **Harm in Confirming or Denying that Information is held (Section 31)**

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. To confirm or not that information is held with regard to currently active investigations by the Ministry of Defence Police into offences of child sexual exploitation would be inappropriate as it would reveal actual policing activity.

In this case it is identified that the impact of confirming or denying information is held has potential to undermine on-going investigations. In addition, the partnership approach between national agencies and law enforcement agencies would also be compromised which would affect the effective delivery of operational law enforcement by all partnerships involved in an investigation.

If this request was received nationally, confirming or denying that information exists would reveal a national activity schedule for investigations into these types of offences and could lead to offenders destroying evidence to avoid apprehension and going 'underground' by moving to another area which they feel would be 'safer' to carry out their offending behaviour. This would ultimately place the safety of individuals at an increased risk.

### **Public Interest Considerations**

#### **Factors favouring exemption of information for Section 30.**

Modern-day policing is intelligence led and the Ministry of Defence Police share information with other law enforcement agencies as part of their investigative process. To confirm or not where investigations into offences described within the request are active, could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Should offenders take evasive action to avoid detection police resources may well be diverted from frontline duties and other areas of policing in order to locate and apprehend these individuals. In addition the safety of individuals and victims would be compromised.

## **Factors favouring disclosure of information for Section 30.**

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Confirming that information exists could promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations. It could also provide reassurance to the public that the Ministry of Defence Police conduct investigations appropriately. Confirmation may allow the public to have a better understanding of the effectiveness of the Police Service.

The issue of child sexual exploitation is a highly emotive subject area often attracting high profile media and public interest connotations. Confirmation or denial that information exists could provide reassurance to the general public.

## **Balance test**

Public safety and the ability to deliver effective law enforcement is of paramount importance. Confirmation or denial (by citing an exemption or stating no information held) would undoubtedly compromise both law enforcement and the health and safety of an individual.

Therefore, at this moment in time, it is our opinion that for these issues the balancing test against confirming whether information is or isn't held is not made out.

None of the above can be viewed as an inference that information does or does not exist.

If you are not satisfied with this response or wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, London SW1A 2HB (email [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate the case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website (<http://www.ico.org.uk>).

Yours sincerely

**MDP Sec Data Protection and Freedom of Information Office**