



Ministry of Defence Police

Freedom of Information Manager

Ministry of Defence Police

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E-mail: MDP-FOI-DP@mod.gov.uk

Our Ref: eCase: FOI 2024/04239

RFI: 053/24

Date: 03 May 2024

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: RASSO OFFICERS (RAPE AND SERIOUS SEXUAL OFFENCES)/OFFICERS CURRENTLY UNDER INVESTIGATION FOR CRIMINAL OFFENCES

We refer to your email dated 11 March 2024 to the Ministry of Defence Police (MDP), which was acknowledged on 11 March 2024.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

- a) Does your force have a dedicated RASSO unit?**
- b) At 11th March 2023, how many vacancies does your force have for specific RASSO officers (rape and serious sexual offences)?**
- c) How many officers in your force are currently under investigation for criminal offences. Please break these down by offence type.**

A search for information has now been completed and I can confirm that the MDP does hold some information in scope of your request.

- a) No information held. The MDP do not have a dedicated RASSO unit.
- b) No information held. The MDP does not have any vacancies for specific RASSO officers.
- c) There are 12 officers in the force currently under overt investigation for criminal offences.

We are withholding the information relating to offence type for these overt investigations, as the duty in Section 1(1)(b) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 30 (1) — Investigations

Section 30 (1) is a prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in releasing this information by carrying out a public interest test.

I have conducted a public interest test and, while the MDP understands the importance of releasing information that is in the public interest, it is has been concluded that the balance strongly favours withholding the information relating to offence type.

Section 30 (1) is applied because releasing the information could compromise ongoing investigations.

Section 40 (2) — Personal Information

Section 40(2) requires the Department to conduct a balancing exercise, this exercise involves balancing the rights and interests of individuals against the legitimate interests in disclosure, this is not the same as carrying out the public interest test associated with certain exemptions in FOIA. The balancing exercise is carried out in order to decide whether the absolute exemption in section 40(2) is engaged. In particular, there is no assumption of disclosure in the legitimate interests test, as there is with qualified exemptions. The outcome of the balancing exercise is to withhold the information requested. Releasing this information might enable members of the public or colleagues to identify employees.

In addition to the above, the MDP can neither confirm nor deny that it holds any information relevant to covert investigations 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 30(3) - Investigations and proceedings conducted by the public authority

Section 31(3) - Law enforcement

Section 40(5) - Personal information

Sections 30 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that information is held by carrying out a public interest test.

I have conducted a public interest test and, while the MDP understands the importance of releasing information that is in the public interest, it is has been concluded that the balance strongly favours neither confirming or denying the Ministry of Defence Police holds any other information.

Section 30 (3) is applied because confirming, or not, that information exists could compromise ongoing investigations.

Section 31(3) is applied because confirming, or not, that information is held would risk undermining the investigative process.

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

No inference can be taken from this response that information relating to covert investigations does or does not exist.

Under Section 16 (Advice and Assistance) of the FOIA, I can advise that the MDP publish details of misconduct hearings and outcomes at the following link:

<https://www.gov.uk/guidance/ministry-of-defence-police-misconduct-hearings>

If you are not satisfied with the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office