



FOI Reference: 515/2016

Request:

Please can you provide the following information under the Freedom of Information Act:

- 1) How many cases of “slavery” did your force investigate in 2013/2014/2015/2016 (to date)
- 2) If possible, please provide the gender and nationality of the alleged victim in each case
- 3) Please provide any details of any successful prosecutions i.e the convict’s name, age, for what offence they were convicted and what their punishment was (e.g four years jail)
- 4) Please provide details of how many warrants your force has executed under the Modern Slavery Act.

Response 1:

I can confirm that Dyfed-Powys Police does hold the information requested the details of which are as follows:

Year	Cases of Slavery
2013	0
2014	0
2015	0
2016 to 12.07.16	1

Response 2:

I can confirm that Dyfed-Powys Police does hold the information requested, however Section 40 (2) Personal Information and Section 30 (1)(a) Investigations and Proceedings Conducted by Public Authorities exemptions have been applied to some of the requested information thereby exempting its release. *(Please see the details of harm and Public Interest test as outlined below)*

Year	Gender	Nationality
2013	NIH	NIH
2014	NIH	NIH
2015	NIH	NIH
2016 to 12.07.16	Sec 40(2) & Sec 30 (1)(a) exemptions applied	Sec 40(2) & Sec 30 (1)(a) exemptions applied

'NIH means 'No Information held'

Response 3:

I can confirm that Dyfed-Powys Police does hold the information requested the details of which are as follows:

Year	Successful Prosecutions	Name	Age	offence	Punishment
2013	0	NIH	NIH	NIH	NIH
2014	0	NIH	NIH	NIH	NIH
2015	0	NIH	NIH	NIH	NIH
2016 to 12.07.16	0	NIH	NIH	NIH	NIH

NIH means 'No Information held'

Response 4:

I can confirm that Dyfed-Powys Police does hold the information requested the details of which are as follows:

Year	Warrants Executed
2013	0
2014	0
2015	0
2016 to 12.07.16	1

It should be noted that owing to the systems adopted by Dyfed-Powys Police in relation to the recording of such matters the information provided may or may not be accurate.

Police Forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons this Force's response to your questions should not be used for comparison purposes with any other response you may receive.

Rationale for the application of the exemptions:

Section 1 of the Freedom of Information Act 2000 places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17 of the Freedom of Information Act 2000 requires Dyfed Powys Police, 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.

I can confirm that Dyfed Powys Police does hold the information requested, however we are exempting part of that information, as we believe that the following exemptions are relevant:

Section 40(2) Personal Information

Section 30(1)(a) Investigations and Proceedings conducted by Public Authorities

Section 40(2) Personal Information:

Section 40(2) applies to third party personal data and is exempt from disclosure under the Freedom of Information Act 2000 if disclosure would breach any of the data protection principles contained within Part 1 of Schedule One under Section 4 (1) and (2) of the Data Protection Act 1998. Such information would not be released under the Freedom of Information Act 2000 unless there is a strong public interest. One of the main differences between the Freedom of Information Act 2000 and the Data Protection Act 1998 is that any information released under FOI is released into the public domain, not just the individual requesting the information and disclosure under the Act must be made with that in mind. As such, any release that identifies an individual through releasing their personal data, even third party personal data is exempt.

Personal data is defined under Section 1(1)(e) of the Data Protection Act (1998) as:

“... data which relate to a living individual who can be identified-

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual. “

Personal data is also defined under the Data Protection Act (1998) as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life. All members of the public including those employed by the force have an intrinsic right to privacy and these rights are protected by virtue of the Human Rights Act and the Data Protection Act, and a public authority must not interfere with that right. Any release of the information subject to the exemption is likely to compromise those rights.

Principle One:

“Personal data shall be processed fairly and lawfully and in particular shall not be processed unless

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data at least one of the conditions in Schedule 3 is also met.”

Dyfed-Powys Police would not want to disclose any information that could potentially identify an individual. In this particular case, to release the gender and nationality of an individual could lead to the identification of a victim subject of a criminal investigation. To release such information would be a direct breach of Principle 1 of the Data Protection Act regarding the fair and lawful processing of information. As a consequence I am satisfied that Section 40(2) Personal Information exemption is applicable to the release of the information.

The Section 40 exemption is a class-based exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information.

The Section 40 exemption is in-part qualified and in-part absolute, in the present case it would be absolute as to release the information would breach Principle 1 of the Data Protection Principles which is the fair and lawful processing of data, and therefore there is no requirement to carry out a public interest test.

Section 30(1)(a) Investigations and Proceedings conducted by Public Authorities

(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of -

(a) Any investigation which the public authority has a duty to conduct with a view to it being ascertained (i) whether a person should be charged with an offence, or (ii) whether a person charged with an offence is guilty of it

The Section 30 exemption is a class-based qualified exemption. This means that the legislators when writing the legislation considered that the release of such information under the Freedom of Information Act 2000 would cause harm to the public authority or individual concerned. There is therefore no requirement to carry out a HARM Test in respect of such information. However there is a requirement to carry out a Public Interest Test in order to establish whether the public interest in maintaining the exemption may be outweighed by a wider public benefit in disclosure.

Public Interest Test:

Considerations favouring disclosure:

In considering the Public Interest Test for the application of the Section 30 exemption, considerations favouring disclosure of the information would be use of public funds in relation to the investigation of such matters as well as accountability and public awareness in relation to slavery offences that occurred in the Dyfed Powys police force area and satisfaction that such investigations are/were conducted properly.

Considerations favouring non-disclosure:

This exemption covers information held at any time for the purpose of an investigation, whether the case is ongoing, closed or abandoned. To release details of an investigation, especially the gender and nationality of the victim, as in this case, could undermine and prejudice any investigation whether concluded or otherwise which would impact on the force's future law enforcement by hindering the prevention or detection of crime

Balancing Test:

After considering the advantages and disadvantages in disclosure it falls upon Dyfed Powys Police to conduct a balance test on the issues. The strongest arguments for disclosure which are accountability and public awareness need to be weighed against the strongest arguments for non-disclosure which in this case is that the release would undermine and

prejudice any investigation whether concluded or otherwise which would impact on the force's future law enforcement by hindering the prevention or detection of crime

Therefore, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Disclosed under FOI on 03.08.16