



WILTSHIRE POLICE

Force Disclosure Unit

Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 13th December 2022

Ref: FOI 2022/938

Dear,

I write in connection with your request for information dated 25th November 2022 concerning the number of notifications of foreign travel the force has received by Registered Sex Offenders.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

Being on the Sexual Offenders Register means that you have to notify the police of all foreign travel.

Please could you provide the following information regarding notifications of foreign travel.

1. How many notifications of foreign travel were submitted to your police force by Registered Sex Offenders in the following years: 2018, 2019, 2020, 2021, 2022
2. How many of these notifications were in regards to travel to The Gambia?

Our response:

1. 2018 – 137 notifications of foreign travel.
2019 – 127 notifications of foreign travel.
2020 – 52 notifications of foreign travel.
2021 – 28 notifications of foreign travel.
2022 (01/01/2022-28/11/2022) – 102 notifications of foreign travel.

In relation to question 2, Wiltshire Police can neither confirm nor deny that it holds information relating to this part of your request by virtue of the following exemptions:

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S27(4) – International Relations
S31(3) – Law Enforcement

The duty to confirm or deny in regards to your request for information:

The Freedom of Information Act is applicant and motive blind. Any information disclosed under the Act is a disclosure to the world at large and would be disclosed to any individual upon request. For this reason, a request under the Act cannot be a private transaction. Both the request itself, and any information which may be disclosed, are considered suitable for open publication.

Section 1(1)(a) of FOIA requires a public authority to inform a requestor whether it holds the information specified in the request. This is known as the 'the duty to confirm or deny'. The Information Commissioners Office (ICO) states, however, that *'there may be occasions when complying with the duty to confirm or deny under section 1(1)(a) would itself disclose sensitive or potentially damaging information that falls under an exemption...in these circumstances the Act allows a public authority to respond by refusing to confirm or deny whether it holds the requested information. This is called a 'neither confirm nor deny' (NCND) response.'*

Additional ICO Guidance can be found via the following link - [When to refuse to confirm or deny information is held \(ico.org.uk\)](https://ico.org.uk/when-to-refuse-to-confirm-or-deny-information-is-held).

The use of NCND in a consistent manner is recognised in the ICO guidance which states *'It can be important to use a neither confirm nor deny response consistently, every time a certain type of information is requested, regardless of whether the information is actually held or not. For this reason public authorities need to be alert to the possibility of receiving future requests for the same type of information when handling very specific or detailed requests.'*

This consistent approach is further commented upon by the ICO who states, *'There are situations where a public authority will need to use the neither confirm nor deny response consistently over a series of separate requests, regardless of whether it holds the requested information. This is to prevent refusing to confirm or deny being taken as an indication of whether information is held. Before complying with section 1(1)(a), public authorities should consider both whether any harm would arise from confirming that information is held and whether harm would arise from stating that no information is held. Otherwise, if the same (or same type of) requests were made on several occasions, a changing response could reveal whether information was held.'*

As such, the starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The ICO further reminds public authorities that they can only refuse to confirm or deny whether it holds the information, *'if this would itself reveal information that falls under an exemption'*.

Overall Harm for s27 International Relations and s31 Law Enforcement:

Modern-day policing is intelligence led, and Wiltshire Police works in partnership with other agencies in order to combat a variety of threats. Confirming or denying that specific

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information exists relevant to this request would seriously undermine this partnership approach in respect of measures concerning public protection.

INTERPOL Notices are international alerts used by police to communicate information about crimes, criminals and threats to their counterparts around the world. They are circulated by INTERPOL to all member countries at the request of a country or an authorised international entity. The information disseminated via notices concerns individuals wanted for serious crimes, missing persons, unidentified bodies, possible threats, prison escapes and criminals' *modi operandi*. Notices offer high visibility for serious crimes or incidents.

Particular to this request, an INTERPOL Green Notice provides warnings and criminal intelligence about persons who have committed criminal offences, and who may be likely to repeat these crimes elsewhere in the world. As such, Green Notices are not restricted to warnings and intelligence in respect of individuals who only pose a risk of committing Child Sexual Exploitation (CSE). Confirming or denying whether any information is held relevant to the request would show where policing interest has or has not occurred in a specific area, which opens the door to further requests about any other threats to public safety that might be communicated by use of the INTERPOL system. This would enable those engaged in criminal activity to identify the focus of policing targets, and could be used to the advantage of the criminal fraternity.

In addition, confirming or denying any information is held in relation to notifications to travel country by country would reveal whether or not INTERPOL Green Notices may have been circulated as a result, thus indicating to anyone interested in such matters that the chances of entering into certain countries is greater than others, which in turn may present those countries as a more attractive destination. Confirmation or denial would therefore cause offenders to attempt to circumvent travel routes in order to avoid notification being made to their country of destination; in this case placing children at greater risk of sexual exploitation as a result.

Overall, Information that undermines the integrity of these intelligence sharing activities will adversely affect public safety within any other member country, including Gambia, and would have a negative impact on both international relations and law enforcement.

S27 – Factors in favour of confirming or denying information is held – It is accepted that releasing information about Wiltshire Police's international work would be of interest to the public. It is agreed that disclosing this information would bring greater transparency and aid the public in being able to see the nature of the work Wiltshire Police does and how it supports international policing. This international sharing of knowledge contributes to tackling crime globally which, in turn, is likely to strengthen public perceptions of personal safety.

S27 – Factors against confirming or denying information is held – The importance of building and maintaining goodwill within international relations cannot be underestimated. By confirming or denying whether Wiltshire Police has circulated specific information (intelligence) amongst global law enforcement agencies would undermine the relationship and trust built up between police forces and international agencies to the detriment of any future enquiries that may be conducted. A compromise to intelligence sharing could lead to fewer successful international investigations, contrary to the public interest.

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S31 – Factors in favour of confirming or denying information is held – Confirmation or denial of this information would lead to better public awareness about how, and where the force undertakes work with other countries in order to tackle threats to Child Sexual Exploitation. It would allow further understanding of potential criminal international threats and show whether the force is addressing this in a proactive way.

S31 – Factors against confirming or denying information is held – Confirmation or denial any information is held would reveal whether or not Wiltshire Police has actively shared intelligence in respect of a specific threat to public protection, and to which countries. This would compromise the forces' ability to engage and assist overseas police forces and agencies in tackling other international threats. This would assist the criminal fraternity in understanding the intelligence picture, which they could then exploit for further gain. The safety of the public is of paramount importance to policing purposes, and any increase in crime would place the public at risk of harm.

Balance Test:

Whilst there is a public interest in the transparency of how Wiltshire Police supports international policing, there is a very strong public interest in safeguarding the flow of intelligence sharing with outside agencies, including police forces abroad.

As much as there is a public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. As discussed above for this case. Intelligence sharing is a sensitive issue and therefore it is our opinion that for the reasons given confirmation or denial that any information is held, at this time, is not made out.

No inference can be taken from this refusal that the information requested does or does not exist.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to confirm nor deny such information exists (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 exemptions applicable to the information requested is:

S27(4) – International Relations
S31(3) – Law Enforcement

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Force Disclosure Decision Maker

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Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

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4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review, they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk