



WILTSHIRE POLICE

Force Disclosure Unit

Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 26th September 2023

Ref: FOI 2023/854

I write in connection with your request for information dated 24th August 2023 concerning hymenoplasty/virginity testing.

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 after having consulted Performance Team – I am now able to respond as follows.

You wrote:

How many arrests, cautions or reports have been made for offering or aiding with hymenoplasty/virginity testing under the Health and Care Act 2022 since April of 2022.

Our response:

I have considered your request and I am able to provide a partial response to your request.

April – December 2022: Zero Cases

Please note such offences are rarely reported to the Police, and reported offences are different to information raised from third parties and/or other statutory agencies which would lead to a multi-agency assessment and/or further safeguarding activity.

Wiltshire Police actively works with partner agencies in respect of offences of honour based violence and is committed to working with all communities to prevent incidents of FGM. Despite the low numbers of offences recorded the Force is constantly looking at improving the confidence of communities and individuals to come forward and report such matters.

January – April 2023

Your request for information has been considered and I am not obliged to supply the information you have requested as it is exempt by virtue of Section 31(1).

Due to the level of detail you require in your request, as it relates to a relatively recent time frame – it is exempt; as to provide you with these details would provide you with information, which in itself may identify individuals, or do so when put together with other information, which you may be able

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to obtain. For example, if another request was received asking for the same information within the same time frame, then the harm in disclosing this information is that an individual would be able to see the differences in the figures provided and potentially use this information to identify any victims. This would then be a disclosure of personal information in breach of the Data Protection Principles and is therefore, exempt under Section 40(2) of the Act.

Section 40 is an absolute exemption and there are no requirements for any consideration of potential harm, or public interest in its application.

Sections 31 is a qualified exemptions which require an examination of the public interest considerations in favour and against disclosure, which will be carried out below.

Section 31(1):

Factors favouring disclosure

By disclosing this information would allow for greater transparency around the work conducted by Wiltshire Police.

The public interest will favour disclosure when the information can assist individuals by raising awareness of issues, which may be of relevance to them. Accurate public debate, which corrects rumour and speculation, could reduce the fear of this type of offence.

Factors against disclosure

If the Force were to provide statistics it would potentially allow a perpetrator of hymenoplasty/virginity testing to identify if their offence had been reported. For example if a similar request was submitted every month asking for up to date information then it could be easily determined when new cases come to light.

An offender could then infer whether their offence had been reported. If it has been reported it gives them an opportunity to impede the investigation by destroying evidence/leaving the country etc. Conversely, if the Force has no report of hymenoplasty/virginity testing in that period, an offender would then know that the offence had not been reported, which could encourage them to continue their offending behaviour against other victims.

Another effect of providing data that can be broken down to smaller time periods is that victims would be less likely to come forward in the future, as they would feel that confidential information may be disclosed, despite assurances from the police that cases will be kept confidential.

Balancing Test

The Police service is tasked with protecting the community and solving crime and they would not disclose information if it would jeopardise those important roles. By disclosing the requested information in this case would mean that investigations would be less effective and the small benefit in increased public awareness would not be adequate compensation for such an impact on society.

Although this offence is an extremely sensitive area which the public is entitled to be kept informed about, this does not outweigh the forces obligations to the public, in the prevention and detection of crime. It is therefore our opinion that the balance lies in favour of non-disclosure of the data that covers less than a full year.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 40(2) – Personal Information

Section 31(1)(a)(b) – 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

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