

22nd September 2020

Freedom of Information Request - Reference No: 20201930

REQUEST

*This request relates to the following offences:
keeping a brothel (Section 33 of the Sexual Offences Act 1956),
a landlord letting premises for use as a brothel (Section 34 of the Sexual Offences Act 1956),
a tenant permitting premises to be used as a brothel (Section 35 of the Sexual Offences Act 1956),
a tenant permitting premises to be used for prostitution (Section 36 of the Sexual Offences Act 1956),
and controlling prostitution for gain (Section 53 of the [Sexual Offences Act 2003](#)).*

For each of these offences, please supply the following data for each of the last three calendar years (2017, 2018, 2019), and any data you have for 2020 from 1 January 2020 to August 31 2020:

-The total number of people arrested

-The number of people charged

Please can this data be broken down by gender.

And, if possible within the cost threshold, a breakdown of the disposal type for each person arrested (eg, how many were charged, for how many was no further action taken).

CLARIFICATION - *Just as a point of clarification, I am hoping to get the above data for all brothel keeping offences. I hope I have correctly identified them for you in my previous email, but if this helps, they should including the following home office codes:*

024/19 keeping a brothel used for prostitution

107/01 keeping a brothel

107/02 letting premises for use as a brothel

107/03 tenant permitting premises to be used as a brothel

107/04 tenant permitting premises to be used for prostitution

107/05 keeping a brothel for homosexual practices

107/06 letting premises for use as a brothel for homosexual purposes

107/07 tenant permitting premises to be used as a brothel for homosexual purposes

107/10 other brothel keeping offences

142/14 permitting licensed premises to be used as a brothel

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire 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.

The following exemptions apply to the disclosure of the information:

Section 40(2) Personal Information.

Section 30(1) – Investigations and Proceedings conducted by the Local Authority

Section 40(2) Personal Information

This is an absolute exemption and therefore a Public Interest Test is not relevant. However, for clarity, I will explain my rationale for engaging this exemption.

Section 40(2) provides that information is exempt if it is the personal data of someone other than the applicant and disclosure would breach any of the data protection principles. The term 'personal data' means data that relates to a living individual who can be identified.

Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual. Although not explicitly naming individuals, the effect of releasing such a specific category of offence details in this situation may lead to the identification of those involved. This would be breaching the right to privacy afforded to persons under the Data Protection Act 1998.

Harm

It is important to state that a response to a Freedom of Information request is not just published to the requestor, but also to the world as well, by its possible publication on the forces disclosure log. Therefore, any material provided within a response could be potentially viewed by anyone who wished to see it. Disclosing details particularly due to the relatively low numbers involved and recent time parameters could be viewed by those involved as a breach in confidentiality. This could jeopardise the work done within communities to increase the public's confidence in reporting and giving assistance to the Force and may affect continuing police investigations which could then compromise any further lines of enquiry and the integrity of any investigations.

PUBLIC INTEREST TEST

Section 30 – Favouring disclosure

- There is a public interest in the transparency of policing operations and providing assurance that South Yorkshire Police is appropriately and effectively dealing with crime.
- The public would have a better understanding of how information is collated and used to investigate such cases.

Section 30 – Favouring non- Disclosure

- Any current and/or future investigations could be compromised, by the release into the wider public domain of details no matter how small or large concerning this type of Offence and situation

Balancing Test

I have carefully considered your request for information. The key test when considering the public interest is to establish whether in all the circumstances of the request, the public interest in disclosing the information is not outweighed by that in maintaining the exemption

I am of the opinion that there are a number of reasons for withholding some of the information. Due to the relatively recent time parameters there may potentially be investigations and enquiries still be continuing which may be compromised by releasing such specific offence details.

The police force will not divulge any type information that would compromise ongoing investigations or place at risk members of the public or officers.

As we have already stated, a Freedom of Information request is not just a release to the person making the request, but also to the world. It cannot be clear at present what effect disclosures made by a Freedom of Information response may have upon such enquiries.