

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 13 October 2022

**Public Authority:** Chief Constable of Leicestershire Police  
**Address:** Police Headquarters  
Enderby  
Leicestershire  
LE19 2BX

#### **Decision (including any steps ordered)**

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1. The complainant has requested intelligence information about child criminal exploitation ('CCE'). Leicestershire Police said that it did not hold the information specified in the request.
2. The Commissioner's decision is that, on the balance of probabilities, Leicestershire Police does not hold the information specified in the request. He also found that Leicestershire Police complied with section 16 (Duty to provide advice and assistance) of FOIA.
3. The Commissioner requires no steps as a result of this decision.

#### **Request and response**

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4. On 28 May 2021, as part of a 'round robin' request for information to UK police forces, the complainant wrote to Leicestershire Police and requested information in the following terms:

"Under freedom of information legislation, I am seeking the following information:

- A copy of any intelligence reports or problem profiles on the issue of child criminal exploitation, including but not limited to county lines drug dealing, produced between January 1, 2010, and the present day."

5. Leicestershire Police responded on 28 June 2021. Its position was that it did not hold the information described in the request:

"Leicestershire Police has moved away from the traditional style of a written problem profile. This is because it now has access to real-time information for all crime types and offences through Power BI. This allows us to build local and force wide problem profiles by accessing and drilling down into information such as SA [sexual assault] and CSE [child sexual exploitation] reports. In terms of victims, suspects, geographical, offence times and team detail.

This new way of working has proved to be very useful recently when the Force engaged with its communities through its IIG, following the national concern regarding violence against women and girls. Access to real-time problem profile data allowed up to date and relevant information to be shared with the public where possible.

Problem profiles give a snapshot on previous crime trends and are outdated almost as soon as they are written, as a result the force have started to move away from problem profiles. Therefore, Leicestershire Police do not hold any information relating to your requests as real-time data is assessed as and when it is needed rather than a standing Problem Profile. We also do not hold any old problem profiles in relation to your request.

In terms of exploitation Leicestershire Police hold a monthly multi agency exploitation meeting where the provided data is analysed in real time, it allows us to discuss ongoing and emerging risk in real time and effectively becomes a live problem profile allowing us to direct resources and review strategic and tactical options in real time."

6. The complainant requested an internal review on 28 July 2021. She asked for advice on how she could obtain the sort of data and intelligence which would otherwise have been held in problem profiles. She also noted that Leicestershire Police had referred to CSE in its response, when she had specifically asked for information on CCE.
7. Following an internal review, Leicestershire Police wrote to the complainant on 4 August 2021. It reiterated that it did not hold the requested information. It also explained that the category "child sexual exploitation" was intended merely as an example of the sort of information that its records management system could profile, and that it had not been treated as being the focus of the request.
8. As regards the complainant's request as to how she could access other data and intelligence on CCE, it said:

"Further, in your request for internal review you have asked for data and intelligence which would have been held in the problem profiles.

As these are no longer in existence we cannot conclusively say exactly what was contained. Further to this, intelligence and data would be considered exempt by virtue of Section 30 and 31 below.

- Section 30 (1) (a)(b)(c) - Investigations
- Section 31 – Law Enforcement.”

## **Scope of the case**

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9. The complainant contacted the Commissioner on 6 November 2021 to complain about the way her request for information had been handled. She believed Leicestershire Police had not complied with the duty under section 16 of FOIA to advise her on how to refine the request so that it might be complied with. She also disagreed with its position that intelligence information on CCE would be exempt from disclosure under sections 30 and 31 of FOIA.
10. During the Commissioner's investigation, Leicestershire Police clarified that its position was that it did not hold the information specified in the request. The Commissioner has therefore not considered the application of sections 30 and 31 of FOIA in respect of this request.
11. The analysis below considers whether, on the balance of probabilities, Leicestershire Police holds the requested information and whether it complied with the duty under section 16 of FOIA to provide advice and assistance.

## **Reasons for decision**

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### **Section 1 – General right of access**

12. Section 1(1) of FOIA states:

“Any person making a request for information to a public authority is entitled-

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

13. The Commissioner has sought to determine whether, on the balance of probabilities, Leicestershire Police holds the information described in the request.

14. Leicestershire Police has explained to the Commissioner that it does not hold problem profiles or intelligence reports on CCE. It acknowledged that problem profiles and intelligence reports were used in the force's response to some other areas of criminal activity, but said that CCE concerns had never been dealt with in this way.
15. Leicestershire Police has provided the Commissioner with the reasons why it does not hold information about CCE in this way, and an explanation as to how it does hold it. Due to their operational sensitivity, the Commissioner will not reproduce its arguments here.
16. However, to summarise, Leicestershire Police does not deal with CCE concerns via problem profiles or intelligence reports. Any work relating to CCE concerns about an individual will be dealt with on a case-by-case basis and would be linked directly to individual data subjects. While some information is centralised, it is not held in the form of problem profiles or intelligence reports.
17. Leicestershire Police described the searches it had conducted for any relevant information and said that they had not located any problem profiles or intelligence reports. It also provided internal consultation correspondence to the Commissioner, where the issue of how CCE was recorded was discussed. This corroborated its explanation that it did not hold problem profiles or intelligence reports on CCE.
18. From the information provided to him, and on the balance of probabilities, the Commissioner is satisfied that Leicestershire Police does not hold the requested information because it organises its response to CCE concerns in a fundamentally different way to that specified in the request. As such, there is no requirement for problem profiles and intelligence reports to be held in respect of CCE.
19. Leicestershire Police has therefore complied with its obligations under section 1(1)(a) of FOIA in this case.

### **Section 16(1) – Duty to provide advice and assistance**

20. Section 16(1) of FOIA provides that a public authority is required to provide advice and assistance to any individual making an information request where it would be reasonable to do so.

21. The Commissioner's guidance on section 16<sup>1</sup> states that, generally, there are three main circumstances in which the duty arises:

"The first is that you have reason to believe that the applicant has not given their real name. In this case, you should ask the applicant for it.

The second circumstance is when the request, read objectively, is ambiguous and requires clarification as to the information sought. In this case, you should contact the applicant to ask for more details to help you identify and locate the information they want.

The third circumstance is when the request would exceed the appropriate limit beyond which you would not be required to provide the information. In this instance, you should provide the applicant or prospective applicant with advice and assistance to help them reframe the request in a way that would bring it within the appropriate limit."

22. The Commissioner notes that the first and third criteria do not apply in this case. As regards the second criterion, the request was clearly expressed and Leicestershire Police interpreted it in line with the complainant's intended meaning. It therefore required no clarification.
23. Leicestershire Police refused the request on the grounds that it did not hold the requested information, but it did provide an explanation as to how it holds information on CCE and its internal review explained that this was not in the 'profile' format suggested by the complainant. Any further information, if requested, was likely to be exempt from disclosure under section 30 or section 31 of FOIA.
24. On that point, the Commissioner notes that the duty to provide advice and assistance applies "so far as it would be reasonable to expect the authority to do so". Where, ultimately, a public authority believes the information being sought will be exempt from disclosure, it is difficult to see how it could provide advice as to how a request for it might be complied with.
25. Taking all the above into consideration, in the circumstances of this request, the Commissioner is satisfied that Leicestershire Police did provide appropriate advice and assistance to the complainant, and that it complied with the duty under section 16.

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<sup>1</sup> <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-16-advice-and-assistance/#advice>

## **Right of appeal**

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26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**