

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

### **Decision notice**

**Date:** 4 January 2023

**Public Authority:** Chief Constable of Northamptonshire Police  
**Address:** Wootton Hall  
Northampton  
NN4 0JQ

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

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1. The complainant submitted a request to the Chief Constable of Northamptonshire Police ("Northamptonshire Police") for information relating to allegations of child sexual abuse and/or exploitation related to the Jehovah's Witness organisation.
2. The Commissioner's decision is that Northamptonshire Police correctly relied on sections 30(3) and 31(3) of FOIA to refuse to confirm or deny whether it held information falling within the scope of the request.
3. The Commissioner does not require any further steps.

#### **Request and response**

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4. On 11 January 2022, the complainant made the following request for information under FOIA:

"This is a Freedom of Information Act request for information for data you hold investigations into allegations of child sexual abuse and/or exploitation (CSA/E) related to the Jehovah's Witness organisation.

For the questions below, please take the phrase "involving the Jehovah's Witness organisation" to mean that the accused and / or the victim were a Jehovah's Witness.

The questions are listed in order of priority, please answer as many as possible within the allotted time.

1. How many allegations of child sexual abuse and/or exploitation involving the Jehovah's Witness organisation has your force received over the past 10 years? Please provide an annual total for the number of alleged perpetrators/suspects of this crime notified to your force each year.
2. How many investigations into allegations of CSA/E involving the Jehovah's Witness organisation has your force carried OUT over the past 10 years? Please provide an annual total number of investigations for each year.
3. Please break down the total number of investigations by status. This can be 'live' or 'closed'. If 'closed', please specify the investigation outcome, including but not limited to: no further action (NFA) by police, NFA by the Crown Prosecution Service, caution, acquittal or conviction.
4. For all investigations which were closed following NFA by police, please state the reasons why no further action was taken (such as, suspect deceased; suspect not identified/traced; victim does not support police action; insufficient detail/evidence; and specifically, whether lack of cooperation from the Jehovah's Witness organisation was also a contributing factor.
5. For all investigations of CSA/E involving the Jehovah's Witness organisation, please can you state whether a report of the alleged abuse was made within the Jehovah's Witness congregation/organisation before it was reported to the police? For example, the JW organisation may have disclosed to you internal documents they had in relation to a report of the alleged abuse."
5. Northamptonshire Police responded on 8 February 2022 stating that it could neither confirm nor deny whether the information was held, referring to sections 30(3), 31(3) and 40(5B)(a)(i).
6. On 18 February 2022, the complainant sought an internal review of Northamptonshire Police's decision. Northamptonshire Police provided the complainant with its internal review on 20 April 2022 in which it upheld its response.

## Scope of the case

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7. The complainant contacted the Commissioner on 17 May 2022 to complain about the way their request for information had been handled.
8. In correspondence to the Commissioner, the complainant stated that they would be willing to accept a limited disclosure. However, in correspondence to the complainant, the Commissioner explained that as Northamptonshire Police had neither confirmed nor denied holding the requested information, his role is to consider whether or not Northamptonshire Police could confirm or deny holding information in scope of the request and not whether it should disclose any requested information, if held.
9. The Commissioner has considered Northamptonshire Police's handling of the complainant's request, in particular its application of sections 30(3) and 31(3). The Commissioner will go on to consider section 40(5), should the other two sections not apply.

## Reasons for decision

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10. The following analysis explains why the Commissioner is satisfied that Northamptonshire Police was entitled to neither confirm nor deny holding the requested information.

## Section 30-Investigations and proceedings

11. Section 30(3) of FOIA provides an exclusion from the duty to confirm or deny in relation to any information which, if it were held, would fall within any of the classes described in sections 30(1) or 30(2) of FOIA.
12. In the Commissioner's guidance<sup>1</sup>, it states that the phrase "at any time" means that information can be exempt under section 30(1) if it relates to a specific, ongoing, closed or abandoned investigation.

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<sup>1</sup> <https://ico.org.uk/media/for-organisations/documents/1205/investigations-and-proceedings-foi-section-30.pdf>

13. In correspondence to the complainant, Northamptonshire Police stated that "to confirm whether or not a member of the Jehovah's Witness organisation has been involved in criminality would undermine any ongoing investigations and reveal investigative activity."
14. When considering whether the public interest test favours maintaining the exemption or confirming or denying the requested information is held, the Commissioner has taken into account the fact that there is a public interest in Northamptonshire Police being transparent and that the general public would be better informed. However, if it were to confirm or deny that the information is held, it could hinder the prevention and detection of crime as well hinder the partnership approach to investigations and law enforcement.
15. The Commissioner notes the complainant's comments that "with regards to the Jehovah's witness organisation, the main issue is that reports of any crimes are unlikely to be reported to the police", however, he also considers that if Northamptonshire Police were to issue a confirmation or denial to the world at large, it would likely dissuade witness and victims from religious communities, from coming forward.
16. In the circumstances of this case, the Commissioner finds that public interest favours maintaining the exemption at section 30(3) of FOIA and that Northamptonshire Police were correct to neither confirm nor deny that it held the requested information.

### **Section 31-law enforcement**

17. Section 31(3) of FOIA excludes a public authority from complying with the duty at section 1(1)(a) if to do so would, or would likely to, prejudice any of the functions in section 31(1).
18. When considering a prejudice-based exemption such as section 31, the Commissioner will:
  - identify the applicable interests within the relevant exemption;
  - examine the nature of the prejudice, the likelihood of it occurring and that the prejudice claimed is real, actual and of substance; and
  - examine whether there is a causal link between confirming / denying and any prejudice claimed.

19. The Commissioner notes that the request is very specific in the information it is seeking, in that it is referring to a particular religious organisation and in his guidance on section 31<sup>2</sup> it states that "typically where a request identifies an individual or an organisation as the possible subject of an investigation...the more chance there is that confirming the information's existence would, or would likely to, prejudice that investigation."
20. In Northamptonshire Police's initial response, to the complaint, it explains that if an FOI disclosure revealed information through either citing an exemption or stating not held, then it would confirm that a member of the Jehovah's Witness organisation had been the subject of a criminal investigation. This could lead to community unrest with the Jehovah Witness community as well as the wider public.
21. As such, the Commissioner considers that confirmation or denial in this case would be likely to inhibit people from contacting Northamptonshire Police (or any law enforcement body) with similar concerns. This could make it more difficult for Northamptonshire Police to gather evidence and intelligence in future investigations, thereby prejudicing their success.
22. When considering whether the public interest test favours maintaining the exemption or confirming or denying the requested information is held, the Commissioner has considered that the public are entitled to know how public funds and resources are spent. However, if it were to confirm or deny that the information is held it could potentially jeopardise the public's confidence in Northamptonshire Police to protect confidential information provided to them.
23. In the circumstances of this case, the Commissioner finds that public interest favours maintaining the exemption at section 31(3) of FOIA and that Northamptonshire were correct to neither confirm nor deny that it held the requested information.
24. As the Commissioner considers that both sections 30(3) and 31(3) applies to all the requested information, he has not gone on to consider Northamptonshire's Police's application of section 40(5).

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<sup>2</sup> <https://ico.org.uk/media/for-organisations/documents/1207/law-enforcement-foi-section-31.pdf>

## **Right of appeal**

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25. 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)

26. 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.
27. 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**

**Phillip Angell**  
**Head of Freedom of Information Casework**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**