



Your reference:

Our reference: FOI_2023.1036

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 16/11/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.1036

On 20/10/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

For the calendar years 2018 to 2023, please provide me with:

The number of persons investigated in relation to the procurement of an illegal abortion.

For each case could you provide a brief anonymised description of what happened and who reported the alleged crime (eg NHS staff)

Could you also state the outcome of any investigation and whether the case was referred to the CPS.

Can you please list the specific legislation used to refer to each case.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

Police Forces in the United Kingdom are routinely required to provide statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons the figures given relate to information from the specific recording system of Gloucestershire Constabulary and should not be used for comparison purposes with any other response you receive.

Please note that our systems are designed to record information for policing purposes and the investigation of crime and not to extract statistical information. Accordingly whilst we endeavour to extract relevant data within the time limits of the Act, any data supplied is subject to these limitations.

I can confirm that a search has been conducted of the Crime Recording system to extract substantiated crimes recorded between 01/01/2018 and 10/12/2021 where the following offences have been recorded:

- Child Destruction
- Administering drugs or using instruments to procure abortion
- Procuring drugs etc. to cause abortion
- Concealment of birth

This has returned a result of less than 5. Due to the low number of records, any further information is exempt by virtue of Section 30 and Section 40.

Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

With regard to the above requested information, the following exemptions apply:

Section 40(2) – Personal Information

Section 30 – Investigations and proceedings conducted by public authorities

Section 40(2) applies to third party personal data. This would not be released under the Freedom of Information Act unless there is a strong public interest. This is because any release would breach the Data Protection Principles contained within the Data Protection Act 2018, namely the first principle which requires that personal information be processed lawfully, fairly and with transparency. The Constabulary will not release any information under the Freedom of Information Act which may result in the identification of an individual and in particular the victim of a crime. Due in part to the low number of crimes covered by your request, the short time period covered by your request and the specific nature of the crimes, it is highly likely that an individual may be identified and this includes the potential for a victim of a crime or their family/ friends to identify themselves in any information disclosed.

This exemption is absolute and class based therefore I am not required to apply either the public interest test or harm test in disclosure.

Section 30 is a qualified, class based exemption and therefore a public interest test is required.

Public Interest Test

Factors Favouring Disclosure

The disclosure of this information may provide the public with an awareness of any patterns in relation to this type of crime and help to inform public debate on this subject.

Factors against Disclosure

All of the information gathered forms part of an investigation which may or may not be ongoing and any disclosure could undermine the effectiveness of any investigations. Furthermore the disclosure of a detailed breakdown in relation to this type of crime may identify to offenders whether their offending behaviour has been reported to the Police and if not, may result in a continuance of the behaviour. Victims may be able to identify themselves from the information disclosed, thereby causing further distress and deterring them from reporting future instances of harm to the Police. This will hinder the prevention and detection of crime.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The effectiveness of investigations and the intelligence they provide is of paramount importance and the Police service will not divulge details that would compromise ongoing investigations or the prevention and detection of crime.

For the reasons set out above it is our opinion that the balance test is in favour of withholding the requested information.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary