

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 0518/08

In reply to your request for information under the Freedom of Information Act 2000, received 29/10/08.

The Freedom of Information Act 2000 (The Act) requires us to handle all requests in a manner that is blind to the identity of the requestor. Any information released in response to a request is regarded as being published, and therefore in the public domain without caveat.

Request

Has your police force had any contact with Gary Glitter since he returned to the UK?

If so, in what sense?

For example, has he signed on the Sex Offenders Register in the force area?

What costs have been incurred in monitoring him?

What costs have been incurred in protecting him?

We have completed all searches within Cambridgeshire Constabulary and hereby enclose your response.

Response

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

The Cambridgeshire Constabulary can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 40(5) Personal Information. This exemption applies where the release of any data will breach the data protection rights of a third party individual.

Section 31(3) Law Enforcement. This exemption applies where the release of any information will have a detrimental effect on law enforcement.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant. Therefore, simply confirming or not that such information were held would disclose personal information about individuals.

To confirm or deny that any information is held in relation to this request in effect confirms to the world that a particular individual has or has not had contact with a particular police force, a clear breach of the Data Protection Act. Confirming that information is or is not held also enables a process of elimination to be undertaken to ascertain where in the country that individual is residing or has resided, by virtue of comparing those forces which provide a "no information held" response with those forces providing the information or relying on exemptions, also a breach of the Data Protection Act. To confirm that any information is held in relation to an individual whom the police service has already publicly confirmed is taking part in the Multi-Agency Public Protection Arrangements (MAPPAs) process would be a breach of confidence, which could result in that individual withdrawing co-operation and undermining the effectiveness of the MAPPAs process.

Therefore at this time the balance of the Public Interest favours maintaining our stance in being unable to confirm or deny that the information requested exists.

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.