

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

### **Decision notice**

**Date:** 16 December 2021

**Public Authority:** Chief Constable of Staffordshire Police  
**Address:** Police Headquarters  
Weston Road  
Stafford  
ST18 0YY

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

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1. The complainant has requested information about child sexual exploitation offences dealt with by Staffordshire Police, including the names of any paedophile hunter groups involved in incidents which resulted in charges. Staffordshire Police disclosed some information and it confirmed that a paedophile hunter group had been involved in two incidents which resulted in criminal charges. However, it said that it did not hold information on the identity of the paedophile hunter group or groups in question.
2. The Commissioner's decision is that, on the balance of probabilities, Staffordshire Police does not hold the requested information and therefore that its handling of the request complied with the requirements of section 1(1) of the FOIA.
3. The Commissioner requires no steps as a result of this decision.

#### **Request and response**

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4. On 19 January 2021, referring to a previous request for information he had submitted which had recently been refused under section 12 (cost of compliance exceeds appropriate limit), the complainant wrote to Staffordshire Police and requested information in the following terms:

*"I wish to reframe my request:*

- 1. Number of crime reports for grooming offences recorded with an online marker attached, for 2019/2020.*
- 2. Of which, the number resulting in a charge.*
- 3. Of those resulting in a charge, the number involving a child decoy.*
- 4. Of those resulting in a charge, the number involving a police decoy.*
- 5. Of those resulting in a charge, the number involving a paedophile hunter group.*
- 6. The paedophile hunter groups involved."*

5. Staffordshire Police responded on 10 February 2021. It disclosed information in respect of parts 1) and 2) of the request. For parts 3) and 4), it would neither confirm nor deny whether it held the information, citing sections 23(5) (Information supplied by or relating to bodies dealing with security matters), 31(3) (Law enforcement) and 40(5) (Personal information). For part 5) it answered '2', and for part 6), it said it held no information.
6. On 16 February 2021, the complainant requested an internal review in respect of the 'not held' response to part 6) of the request. He said he did not understand how Staffordshire Police could claim it did not hold the information, when it held information from which it was able to confirm the involvement of paedophile hunter groups in response to part 5) of the request.
7. Staffordshire Police provided the outcome of the internal review on 22 February 2021, maintaining its position. It said:

*"... to clarify the no information held stance, I have reviewed the two crime reports and associated incident logs in question and can confirm that the name of the group/s involved is not recorded."*

## **Scope of the case**

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8. The complainant contacted the Commissioner on 23 April 2021 to complain about Staffordshire Police's response to part 6) of the request.
9. The analysis below considers whether, on the balance of probabilities, Staffordshire Police holds recorded information which falls within part 6)

of the request. This involves the consideration of its compliance with section 1 (General right of access) of the FOIA.

## Reasons for decision

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### Section 1 – General right of access

10. Section 1(1) of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds that information and, if so, to have that information communicated to him.
11. The complainant believes that Staffordshire Police must hold the information he asked for at part 6) of the request. Staffordshire Police maintains that it did not.
12. In cases where there is some dispute about the amount of information located by a public authority and the amount of information that a complainant believes might be held, the Commissioner – following the lead of a number of First-tier Tribunal decisions – applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is likely or unlikely that the public authority holds information relevant to the complainant's request.
13. The Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check whether the information is held and any other reasons offered by the public authority to explain why the information is not held. He will also consider any reason why it is inherently likely or unlikely that information is not held. For clarity, the Commissioner is not expected to prove categorically whether the information is held, he is only required to make a judgement on whether the information is held on the civil standard of proof of the balance of probabilities.

#### *The complainant's position*

14. Referring to Staffordshire Police's claim that it did not hold the information at part 6), the complainant told the Commissioner:

*"It was confirmed that two groups were involved during the relevant period, but their names could not be provided because no record of them exists. I find this implausible. Should not the name of a person or organisation that reports a crime to the police be retained?"*

*Staffordshire Police's position*

15. Staffordshire Police maintained that it did not hold the information requested in part 6) of the request (ie the identity of the paedophile hunter group or groups involved in the two incidents which resulted in charges).
16. The Commissioner asked Staffordshire Police a series of detailed questions about its reasons for believing this and the thoroughness of its searches for information falling within scope of part 6) of the request. He also asked it to respond to the complainant's argument, that the identities of those reporting a crime (in this case, the group or groups responsible for catching suspects who were subsequently charged) would routinely be recorded.
17. Staffordshire Police provided the following information regarding where the information would be logged, if held:

*"The research conducted to answer the other questions asked by the applicant identified 2 occurrences [two reference numbers redacted] which lead back to 1 Command & Control log [reference number redacted]. A Command & Control log is created when contact is made with the police that requires logging, for example so that a crime can be investigated. Following on from this an occurrence will be created on a different system to document the actions taken by the police in an investigation. The name of the hunters group is not detailed on either of these systems. It is referred to in the Command & Control log by the individual reporting the situation to the police "we are a hunters group", at no point does the call taker ask for the name of the group nor does the reporting individual offer it."*

18. Staffordshire Police said the logs had been read at the time of the request and again at the internal review, and the name of the paedophile group, or groups, involved was not recorded.
19. It said it was satisfied that the information had not been held at one time and since deleted. It explained that information about 'occurrences' is retained in accordance with the Management of Police Information rules, which set down retention periods for different types of information. The requested information relates to sexual offences and so if it had ever been held, there would have been a requirement for it to be retained, meaning it would still be held.
20. However, Staffordshire Police clarified that there was no absolute requirement for it to collect information about the identities of people reporting crime to it:

*"When the police are contacted the call taker will extract as much information as they can at the time to assess the threat/harm/risk to*

*ensure that the most appropriate grading of the call is given. In this case the call taker did this and obtained the necessary information from the individual contacting the police. There was no specific need for them to obtain the name of the 'hunters group'."*

*The Commissioner's decision*

21. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that it holds no relevant information. However, as set out in paragraphs 12 and 13, above, the Commissioner is required to make a finding on the balance of probabilities.
22. The Commissioner would also wish to make it clear that when dealing with a complaint of this nature, it is not his role to make a ruling on how a public authority chooses to record information, or the strength of its business reasons for holding, or not holding, certain information. His remit concerns only the disclosure of recorded information that the public authority does hold.
23. Having considered Staffordshire Police's response, and on the evidence provided to him, including Staffordshire Police's knowledge of its own information recording procedures, the Commissioner is satisfied that, on the balance of probabilities, Staffordshire Police does not hold the information requested at part 6) of the request. He is satisfied that the operator logging the incident is able to exercise discretion from case to case as to whether to ask for information of this type, and if it was collected, it could reasonably be expected to be recorded on the occurrences and/or the Command and Control records for the matter. The fact is, it is not.
24. The complainant has not provided any evidence that Staffordshire Police does hold the information, and there is also no clear benefit to it of concealing that it holds it (as opposed to, for instance, confirming that it holds it but applying an exemption to withhold it).
25. Since the Commissioner has decided that, on the balance of probabilities, Staffordshire Police does not hold the information, he is satisfied that its handling of the request complied with the requirements of section 1(1) of the FOIA.

## 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**