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Operation Hydrant Freedom of Information Requests

NPCC Publication Strategy

This document should form part of the overall NPCC Operation Hydrant Communications Strategy and should be read in conjunction with it.

Background to Operation Hydrant

Operation Hydrant is a coordination hub established in June 2014 to deliver the national policing response, oversight, and coordination of non-recent child sexual abuse investigations concerning persons of public prominence, or in relation to those offences which took place historically within institutional settings. Simon Bailey, Chief Constable of Norfolk Constabulary, is the national policing lead for Operation Hydrant.

Operation Hydrant was set up when it became apparent that forces around the country were investigating a significant number of non-recent allegations of child sexual abuse involving persons of public prominence or within institutions. There was a risk that investigators were looking at the same individuals and institutions and it was also clear that officers dealing with these complex cases required corporate, national expertise, support and guidance.

Operation Hydrant is informed by individual forces of investigations meeting the criteria, and then coordinates the information among forces to prevent duplication. This is called deconfliction. It does not carry out individual investigations – this is done by individual forces. Operation Hydrant also receives referrals and other information from non-policing organisations as part of the operation's core business. There is recognition that substantial information is held on the Operation Hydrant Database, therefore highlighting FOI and Data Protection (DP) implications.

Operation Hydrant is also responsible for identifying best practice, and sharing it with frontline staff carrying out force investigations. New guidance was developed by Operation Hydrant and was issued to forces in August 2020, and is published on the College of Policing website. This guidance is subject to dynamic review and update in the light of service wide learning and best practice.

Operation Hydrant also serves as the interface between the police service and the Independent Inquiry into Child Sexual Abuse (IICSA).

Freedom of Information Act 2000 (FOI)

The legislation gives the public an automatic right to request information from a public authority (PA). For the purposes of Operation Hydrant the relevant public authorities will be the NPCC and all home office forces holding relevant information. It is important to note that any information held by a public authority (PA) for a business purpose, regardless of its origins or author, will be subject to the legislation. It is mandated that the information holder, receiving the request, will be solely responsible for decisions regarding disclosure. However, under Part IV of the Secretary of State's Code of Practice, governed by section 45 of the legislation, there is a clearly defined requirement to consult with third parties who may be affected by any such disclosures.



In order to facilitate this, all FOI requests capturing Operation Hydrant information, are until further notice, considered to be a mandatory referral to the NPCC Freedom of Information and Data Protection Unit (NPFDU) as per College of Policing Authorised Professional Practice (APP), a process all chief officers are signed up to. Upon receipt of a referral, the NPFDU will ensure that the Operation Hydrant communications team and stakeholders are consulted for a view on disclosure or retention of the requested information. In addition, whilst the application of NCND will be strictly maintained wherever possible, it cannot be considered as a blanket approach in handling such requests and must be dealt with on a case-by-case basis in line with the public interest arguments. These collective views from the main stakeholders will be provided to the PA in receipt of the request in order that it can make a properly informed final decision which is based on a national corporate view and supplemented by their own local factors. It is important that each request is dealt with on a case by case basis.

Regardless of the final decision on disclosure, the NPFDU Central Referral Unit (CRU) will ensure that the Operation Hydrant communications team is informed of the request. Each PA receiving a request should also ensure that their local media / communications team is aware.

In addition to the above, the NPCC Operation Hydrant FOI publication strategy has been formulated in order to allow any public authorities to take advantage, when appropriate, of the exemption within FOI legislation found at Section 22.

Section 22 may not be used, and authorities may not take the decision to publish the information, **after** the request for information is received. The key to it is that the decision to publish must have been made prior to any request for the information being received.

The NPCC decision to produce this intention to publish data means that the Section 22 exemption is engaged for any PA wishing to apply that exemption. That decision does not have to have been made by the PA receiving the request, but can be made by any party who also holds the same information. **This publication strategy is therefore transferable between all relevant parties covered by Operation Hydrant.**

The identified benefits of engaging this exemption are that dealing with requests for certain data whilst the operation is ongoing can be complex and resource intensive. The exemption allows for the removal of predicted demand and enhanced transparency where appropriate. Also, random piecemeal disclosures may in fact damage the investigation process and affect the strategic aims of the operation. This can manifest itself in many ways but can include disclosures which enable offenders to evade the investigative process, create concerns among victims, witnesses, and impact on the vulnerability of those falling within the remit of the operation. There will also be an appetite from the news media and others to gain knowledge and data via FOI, and publication will provide for transparency and accessibility to information which is not sensitive for operational or other reasons.

The application of this exemption also allows a sterile period, prior to publication, where all the stakeholders are able to engage, ensuring the final publication meets the full needs of the public and the authorities involved. This co-ordinated approach to publication mitigates any harm that may be caused by random incomplete information entering the public domain.

What is critical to the success of this strategy is that any rationale for not complying with the Section 22 approach is recorded so that a precedent is not set which undermines other PAs ability to engage the exemption. This is most likely to occur as a result of an overriding, compelling, public interest factor, specific to an individual request, as the exemption itself is subject to a public interest test and such matters must be dealt with on a case-by-case basis.

The NPCC intend to publish in the future, information on costs, resources, and statistics relating to Operation Hydrant. Individual forces may also decide to publish material. If so, a decision must be established prior to the receipt of an FOI request. The table, at Appendix A, is information the NPCC will undertake to publish.

Data Protection Act (DPA)

In addition to FOI requests, a relevant PA may also receive a request under subject access for personal information under the DPA. The main difference between this and FOI is that a release of personal information is not a release to the world in general. Although it is impossible to prevent what a data subject may do with their information, the information itself is also subject to a range of exclusions to disclosure, primarily law enforcement. As with FOI, the ultimate decision on disclosure will lay with the individual data controller, but in contrast to FOI, the personal information may not be held by all PAs involved in the operation.

Whilst there is no formal referral process for DPA requests, PAs are encouraged to refer such requests to both the NPCC lead and the NPCC DP Officer who will be in a position to provide corporate advice and direction on disclosure in conjunction with other relevant stakeholders.

As the information under DPA is of a personal nature there is potential for certain subjects to seek to publicise their involvement in the operation, especially if there is a sense of injustice. It is therefore important that local media / communications teams are briefed on any DPA disclosure, by their own PA, who will then be responsible for notifying the Operation Hydrant communications team.

Appendix A - Information held by the NPCC

Type of Information	Relevant Material	Publication Strategy
Statistics	Number of deconflictions (the removal of duplications) <ul style="list-style-type: none"> • Number of requests received from forces • Number of checks (deconflictions) undertaken • % of positive and negative deconflictions 	Quarterly
	Total number of alleged suspects: <ul style="list-style-type: none"> • Male • Female • Unknown gender 	Quarterly
	Total number of suspects subject to live investigations	Quarterly
	Total number of suspects within closed investigations.	Quarterly
	Outcomes – the current number of reported allegations against suspects for which Operation Hydrant has received a final outcome: <ul style="list-style-type: none"> • Total number of allegations with a known final outcome • Total number of allegations with a police NFA outcome and breakdown of reasons • Total number of allegations with a CPS NFA outcome • Total number of allegations resulting in a caution • Total number of allegations which resulted in an acquittal at court • Total number of allegations which resulted in a conviction at court 	Quarterly

	Total number of deceased suspects	Quarterly
	Total number of alleged offenders classified as persons of public prominence, which includes, but is not limited to: <ul style="list-style-type: none"> • World of TV, film or radio • Politicians (includes local level politicians) • Music Industry • World of Sport • PPP's of another description 	Quarterly
	Total number of victims: <ul style="list-style-type: none"> • Male • Female • Unknown gender 	Quarterly
	Number of different institutions featured on Operation Hydrant database, which includes but is not limited to: <ul style="list-style-type: none"> • Educational • Children's homes • Religious institutions • Health establishments • Children and Young People's clubs and associations • Sport • Other institutions 	Quarterly
Governance	Strategic Coordination Group Terms of Reference Governance Group – membership and remit	Initially, and as refreshed
Resources – Human and Financial	Overall Budget Funding sources / budget allocation. Expenditure over the previous financial year as global figure. <ul style="list-style-type: none"> • Staffing • Legal costs. • Staff travel and expense claims • Accommodation 	Annually at the start of the financial year.

Staffing Levels	Number of police officers and police staff engaged on Operation Hydrant Number of seconded officers by Force Number of Seconded police staff by Force Resource structure and function (by role).	Annually at the start of the financial year.
Strategies, Policies, and Guidance Documents	Integrity Strategy Communications Strategy	Initially and as refreshed.
Working documents	Media Releases	Publish as issued

It is unlikely that any information will be released under FOIA that would be likely to prejudice ongoing police investigations or cases, or any information that would reveal policing tactics or methodology. As a result, a number of exemptions are likely to be engaged where such disclosures would impact on Section 23 Information supplied by or concerning certain Security Bodies with possible CEOP involvement, Section 30 Investigations, Section 31 Law Enforcement, Section 38 Health & Safety and Section 40 Personal Information. Careful consideration must also be given to the 'mosaic' effect whereby the overlap or linking of strands of information can provide a fuller picture and thereby present an increase in risk.

Information may be disclosed through carefully managed media releases as and when necessary with the approval of the Operation Hydrant Strategic Communications Coordinator and in consultation with the Operation Hydrant National Coordinator and / or the Operation Hydrant Deputy National Coordinator.

Version	Date	Authorised By (Name and Position)	Signature
2	13/02/2018	Jacqui Hanson Strategic Communications Coordinator, Operation Hydrant	
2	14/02/2018	Richard Fewkes, National Coordinator, Operation Hydrant	

Version	Date	Authorised by (Name and Position)	Signature
3	December 2020	Richard Fewkes, National Coordinator, Operation Hydrant	
3	December 2020	Jacqui Hanson, Strategic Communications Coordinator, Operation Hydrant	