



Freedom of Information Request Reference No:

I note you seek access to the following information:

I have submitted two prior of the initial raid that sparked Operation Spanner.

Throughout the investigation and subsequent trial, Detective Superintendent Michael Hames, then head of the Obscene Publications Squad, told journalists that Spanner began as a result of a house raid carried out by Greater Manchester Police in Bolton in 1987, during which four videotapes were seized.

In 1992 however, Hames told Gay Times that the raid actually took place prior to 1987 and that 1987 was merely the year that Operation Spanner was transferred from Greater Manchester Police to the OPS. I sent a similar request to the GMP, but they said all material pertaining to the case had been moved to London.

Given that representatives of the Met police, including a Detective Superintendent, have previously given out false information on this subject, I see no reason why the correct information cannot be given out now.

I would like to know the date of the raid that sparked Operation Spanner, why the raid was carried out, and the number of tapes that were seized during the raid.

DECISION

I have today decided to disclose some of the requested information. Some data has been withheld as it is exempt from disclosure and therefore this response serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000 (the Act) by virtue of the following exemptions:

Section 40(2) Personal Information

Section 30(1)(a)(b) Investigations and proceedings conducted by public authorities

Section 38(1)(a)(b) Health and Safety

Before I explain the reasons for the decisions I have made in relation to your request, I thought that it would be helpful if I outline the parameters set out by the Freedom Act within which a request for information can be answered.

The Act creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, confirm if the requested information is held by that public authority and, if so, then communicate that information to the applicant.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities to withhold information that is not suitable for release. Importantly, the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

REASONS FOR DECISION

With regards to the second part of your request - 'why the raid was carried out, and circumstances of the initial raid that sparked Operation Spanner' - I have applied the following exemptions:

Section 40 exemption

Section 3 of the Data Protection Act 2018 confirms that information which relates to an identified or identifiable living individual is Personal Data.

The Freedom of Information Act provides an exemption for Personal Data and this is known as the Section 40 exemption.

The information sought under your Freedom of Information request includes the following which we consider to be Personal Data

'Circumstances of the initial raid that sparked Operation Spanner' - The information is likely to identify individual(s)

In this instance I have decided that the disclosure of the Personal Data would be incompatible with the first Data Protection principle which states that the processing (in this case the disclosure) of the data must be both lawful and fair.

The basis for determining whether such a disclosure would be lawful and fair is outlined under section 35 of the 2018 act which states that the subject of the data must have given his/her consent for disclosure or the processing must be necessary for the performance of a task carried out by a competent authority. As we do not have consent for the disclosure of personal data and the disclosure is not necessary for any law enforcement purposes it would not be considered lawful processing. Such a disclosure would therefore contravene the first data protection principle.

Section 30 exemption

Investigations and proceedings conducted by public authorities -

Section 30(1)(a) of the Act allows an authority to exempt information where it has, at any time, been held for the purpose of specified criminal and other investigations or proceedings; and where it relates to the obtaining of information from confidential sources and was obtained or recorded for a number of specified investigations or proceedings.

The MPS do not know the exact circumstances of Manchester Police's initial investigation that led to the raid which sparked Operation Spanner. However, disclosure of specific information obtained for an investigation and the exact circumstances could risk the identity of the victims and those who may have assisted police being revealed. This may affect any ongoing investigations into similar cases and could undermine the confidence in the police.

The MPS is unable to disclose information which has been used as part of an investigation. There is a legal requirement to refrain from disclosing information which would place the integrity of an investigation or any future investigations at risk. Once the investigation or legal process is complete, some information may be deemed suitable for disclosure, in this case the MPS is willing to disclose some information on Operation Spanner. In addition, disclosure of the information requested could identify living persons captured by the scope of this request. Individuals could analyse the information (and along with local knowledge and information already disclosed) identify the victims concerned. This would hinder the prevention and detection of crime and also prejudice the MPS's ability to fairly conduct an investigation and future investigations of this nature.

Section 38 exemption

Section 38(1) of the Act provides an exemption from the disclosure of information which would, or would be likely to (a) endanger the physical or mental health of any individual, or (b) endanger the safety of any individual.

Disclosure of any information regarding this matter would provide the general public with specific details of the offence. This could lead to the identification of individuals linked to the matter which may cause those persons much distress and harm. This could compromise the mental health of those involved in this matter.

May I remind you that any information released under the Freedom of Information Act 2000 is considered to be 'public disclosure.' The released information would then appear on the MPS publication scheme and would be available to any person to read. I do not consider the details of the investigation to be suitable for public consumption as the details of each case, is of a sensitive nature to those affected by the enquiry.

I have considered the effect that the public release of information held in connection with this type of investigation would have upon family members and those closely linked to the victims. In doing so, I have considered the risk of any undue emotional stress which would be caused by the release of the information held. I have attached considerable weight to this as one of the primary roles of any Police Service is to serve and protect the general public.

Disclosure of any information regarding this matter could jeopardise the mental health and safety of those person(s) identified by the disclosure of the requested information.

The MPS is tasked with protecting the community we serve and solving crime. There is no doubt that for the issues outlined above, any disclosure relating to information gathered during the investigative process, if disclosed will compromise ongoing and future investigations.

It is also imperative that the safety and identity of the victims is not a factor when trying to be transparent in disclosing as much information as possible. To disclose any documentation would likely cause unnecessary mental anguish or threaten the physical health of any individual(s) concerned in this matter. The health and safety of individuals in relation to their mental or physical wellbeing is of paramount importance to MPS. Any disclosure which endangers this by showing a lack of sensitivity, is likely to lead to a loss of confidence and disengagement by the public and this cannot be in the public interest.

DISCLOSURE

Q1 - I would like to know the date of the raid that sparked Operation Spanner.

We do not have the recorded date. The initial video cassette film was surrendered to Manchester Police. It was following police coming into possession of this video film that a number of premises in England and Wales were searched on warrant including premises in the Metropolitan Area. After a conference in Greater Manchester it was decided to centrally co-ordinate this operation and officers from the Obscene Publications Branch took control. On 4 November 1987 one of the first of several raids took place where items were seized.

Q3 - The number of tapes that were seized during the raid.

Due to the way in which the exhibits were recorded, it is not possible to determine how many tapes were seized. Some of the listed items describes the title on the 'box' and titles of the films on tape but others don't have this description and I therefore cannot confirm if they were on separate tapes. However, I can inform you that in total from all the raids there were in excess of 400 films seized.

I would like to take this opportunity to thank you for your interest in the Metropolitan Police Service.

Information Rights Unit