



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2018-02506

**Keyword:** Crime

**Subject:** Sexting From 2014 - 2018

### Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000.

### Request 1

The number crime reports in the last five years (2014,2015,2016,2017,2018 so far) of children under the age of 18 who have been accused of "sexting" activities - that is sending or sharing explicit or naked pictures of themselves on social media or text messaging services to others. NB: For the year 2018 please state where you have gone up to.

### Request 2

Please break this information down by year and include a) the age of the child at the time of the offence and their gender b) the number of children per year who were charged or cautioned as a result c) The medium used to send explicit content (for example: text message, WhatsApp, Twitter, Facebook)

### Request 3

I would also like to know whether the child who sent the material was added to the sex offenders' register afterwards. If possible please include the age of the recipient of the explicit material as well as the sender as well.

I am aware that you will not record specific offences under the category "sexting". I believe the most appropriate offences to search within is distributing or publishing an indecent image(s) of a child under s1 of the Protection of Children Act, 1978. It would then require a search within those offences or reported offences carried out by children to isolate those cases in which a child sent an image of themselves to another person.

### Answers

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

There are no markers on NICHE our Record Management System that specifically identifies cases of 'sexting'.

PSNI Statistics Branch has advised that for the financial years 2014/15 and 2015/16 alone, there were a total of 625 offences recorded relating to indecent images and a total of 1,067 records potentially relevant sexual activity offences recorded. If this search was reduced to 'sexual activity' or 'indecent images offences' that have been flagged as 'online crime' however this would still leave a total of 175 offences of 'sexual activity where the victim was under 18' and a total of 210 indecent images offences. It is estimated that it would take in excess of 64 hours to manually read through the incidents and extract the information requested. Relevant records would then have to be identified for the 2016/17 financial year and incidents to date which would involve the same procedure being carried out. Therefore to provide the data requested would grossly exceed the 18 hours permitted under the FOIA.

In accordance with the FOIA, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit; unfortunately on this occasion to the PSNI recording system I am unable to suggest a suitable refinement.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

Statistics relating to victims under the age of 18 are available in the latest Annual Crime Trends Bulletin 1998/99 to 2015/16 whilst these do not specifically identify 'sexting' they provide some background information on the trends seen in relevant crime classifications. Please find a link below:

[https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police\\_recorded\\_crime\\_in\\_northern\\_ireland\\_1998-99\\_to\\_2015-16.pdf](https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/police-recorded-crime-statistics/documents/police_recorded_crime_in_northern_ireland_1998-99_to_2015-16.pdf), section 7.3 for victims under 18, section 4 for online crime).

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit; unfortunately due to the PSNI recording system on this occasion refinement is not possible.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.