



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00934

Keyword: Crime

Subject: Sexual Assaults - Victim Over 18

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

Number of sexual assaults in 12 months previous to 31st March 2018, where victim is over age of 18, location of sexual assault is inside, on property of or in immediate vicinity of a licensed premise.

Request 2

From the above, assaults broken down further into categories of rape, serious sexual assault, sexual assault, indecent exposure, unwanted touching.

Request 3

From the above, attacks broken down by gender of victim.

Request 4

From the above, attacks broken down by gender of alleged perpetrator.

Request 5

Number of sexual assaults in the 12 months up to 31st March 2017, where victim is over age of 18, location of sexual assault is inside, on property of or in immediate vicinity of a licensed premise.

Request 6

From the above, assaults broken down further into categories of rape, serious sexual assault, sexual assault, indecent exposure, unwanted touching.

Request 7

From the above, attacks broken down by gender of victim.

Request 8

From the above, attacks broken down by gender of alleged perpetrator.

Request 9

Number of sexual assaults in 12 months previous to 31st March 2016, where victim is over age of 18, location of sexual assault is inside, on property of or in immediate vicinity of a licensed premise.

Request 10

From the above, assaults broken down further into categories of rape, serious sexual assault, sexual assault, indecent exposure, unwanted touching.

Request 11

From the above, attacks broken down by gender of victim.

Request 12

From the above, attacks broken down by gender of alleged perpetrator.

Request 13

Number of sexual assaults in the 12 months up to 31st March 2015, where victim is over age of 18, location of sexual assault is inside, on property of or in immediate vicinity of a licensed premise.

Request 14

From the above, assaults broken down further into categories of rape, serious sexual assault, sexual assault, indecent exposure, unwanted touching.

Request 15

From the above, attacks broken down by gender of victim.

Request 16

From the above, attacks broken down by gender of alleged perpetrator.

Request 17

Number of sexual assaults in 12 months previous to 31st March 2014, where victim is over age of 18, location of sexual assault is inside, on property of or in immediate vicinity of a licensed premise.

Request 18

From the above, assaults broken down further into categories of rape, serious sexual assault, sexual assault, indecent exposure, unwanted touching.

Request 19

From the above, attacks broken down by gender of victim.

Request 20

From the above, attacks broken down by gender of alleged perpetrator.

Answer

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').

Enquiries made in relation to your request has identified that retrieval of information would exceed the 18 hour cost limit set by the Secretary of State under the FOI Act. Central Statistics Branch has confirmed that provision of a breakdown by gender of the alleged perpetrator would involve a manual trawl of more than 200 individual records to determine if an alleged perpetrator was identified and if so the gender specified. It is estimated that this retrieval process would take approximately 34 hours, exceeding the 18 hour cost limit. Retrieval of information for the remaining questions would further increase this estimate.

Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part of the request.

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. **Subject to any relevant exemptions, it may be possible to retrieve the number of sexual offences recorded between 2013/2014 and 2017/2018 where the victim is over the age of 18 and where the MO (modus operandi) location is recorded as hospitality – club licensed/private club/public house/wine bar/hotel/motel, broken down by financial year, sexual offence classification and victim gender within the 18 hour cost limit.**

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.

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

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