



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-01618

Keyword: Crime

Subject: Paying for Sexual Services of a Person

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 neither confirm nor deny that the Police Service of Northern Ireland does or does not hold the information you have requested. It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(2) of the Freedom of Information Act 2000.

Request 1

As a follow-up to FOI-2021-02215, how many persons have been charged by the PSNI with the criminal offence of paying for sexual services of a person within the area served by the PSNI's Belfast District Command from 28/10/2021 to 30/06/2022?

Request 2

In total, how many persons have been charged by the PSNI across all policing districts with the criminal offence of paying for sexual services of a person from 15/01/2015 to 30/06/2022?

Request 3

As the law in respect of paying for sexual services of a person has been ineffective relative to the substantial number of unrecorded criminal offences which have been committed since it was enacted on 15/01/2015 for which the PSNI has cited evidential issues and taking into account the comments made by District Judge Ted Magill at the trial of Daniel Buga at Londonderry Magistrates Court in November 2020 in which he questioned why if 2 persons engage in paid for consensual sexual activity, one is guilty and the other is not which were supported by the then Lord Chief Justice Sir Declan Morgan (document supplied), could I be supplied with the exchange of documents between the PSNI and the Department of Justice and the Public Prosecution Service from 15/01/2015 to 30/06/2022 that relate to the law in respect of paying for sexual services of a person?

Request 4

Has the PSNI checked for the completion of client consultation forms at massage outlets/shops/parlours from 25/02/2022 to 30/06/2022 where it has been alleged that sexual services have been provided by staff members to clients in return for money

Request 5

Subject to the response to question 4, how many purchasers of sexual services has the PSNI been able to identify from the completion of client consultation forms at massage outlets/shops/parlours

from 25/02/2022 to 30/06/2022 with the assistance of staff members who allegedly provided the massage treatments and sexual services.

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(2) 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').

The information requested if held is not in a retrievable format and therefore if held would require manual intervention. A PSNI Record Owner has confirmed that the Branch In order to confirm the existence of such material it would require a trawl of multiple email accounts and systems Therefore it is assessed that such a trawl for information manually would take in excess of 18 hours.

In addition, other record owners within PSNI may hold information relevant to this request and they would be required to conduct a similar retrieval process, further exceeding the appropriate cost limit

Under Section 12 of the Freedom of Information Act 2000, if a public authority estimates that it would exceed the appropriate limit to confirm whether or not the requested information is held, under Section 12 (2) of the Act, it does not have to deal with the substance 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, we have considered how your request may be refined to bring it under the appropriate limit and can advise as follows:

- **Request 1**

The PSNI can provide the number of who have been charged by the PSNI with the criminal offence of paying for sexual services of a person within the area served by the PSNI's Belfast District Command from 28/10/2021 to 30/06/2022

- **Request 2**

The PSNI can provide the number of persons who have been charged by the PSNI across all policing districts with the criminal offence of paying for sexual services of a person from 15/01/2015 to 30/06/2022?

- **Requests 4 & 5**

In response to questions 4 and 5 we do not hold any data as per the FOI request.

- Any refined request in relation to Request 3 would likely be exempt citing Section 30, Section 31, Section 35 and Section 40 of the act. .

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 Corporate Information Branch, 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 Corporate Information Branch, 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.