



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2021-00803

**Keyword:** Crime

**Subject:** Sexual Offences Under 18s

### 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) we 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. We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of Section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

You requested the following information from PSNI:

### Request 1

I am sending this request under the Freedom of Information Act to ask for the following information below. Name of police force:

### Request 2

Please confirm the total number of sexual offences reported to police where both the perpetrator is under 18 years and the victim is under 18 years in the following financial years:

2018-19  
2019-20  
2020-21

### Request 3

Please confirm how these offences would be categorised according to the Sexual Offences Act 2003, in each of the following financial years:

2018-19  
2019-20  
2020-21

#### **Request 4**

Please confirm the total number of these sexual offences, involving under 18s as both victim and perpetrator, which took place on school premises in the following financial years:

2018-19  
2019-20  
2020-21

#### **Request 5**

Please confirm the total number of sexual offences reported to police where both the perpetrator was aged 10 years or under and the victim was aged 10 years or under in the following financial years:

2018-19  
2019-20  
2020-21

#### **Request 6**

Please confirm the total number of these sexual offences, involving children aged 10 or under as both victim and perpetrator, which took place on school premises in the following financial years:

2018-19  
2019-20  
2020-21

#### **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').

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate “to any extent” to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

Enquiries made in relation to your request has identified that retrieval of information to respond to your request would exceed the FOI legislative cost of 18 hours as set by the Secretary of State. In Request numbers 2 - 6 with regards to ‘perpetrators’, this information whilst held electronically on the database to extract the information also requires manual intervention. There have been more that 6000 sexual offences recorded between 2018/19 and 2020/21 where the victim was under 18 at time of offence and it is estimated that to examine and review the information in an attempt to provide responses regarding the ‘perpetrator’ would take approximately 5 minutes per search which is approximately 500 hours.

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.

### **Advice and Assistance**

Under Section 16 of the FOIA, PSNI will always try to assist you to refine your request and provide advice where we can. PSNI has considered how your request may be refined to bring it under the appropriate limit.

### **Request 1**

- Name of police force – Police Service Of Northern Ireland (PSNI)

### **Request Numbers 2 - 6**

- PSNI can provide the number of sexual offences where the victim was under 18, under 10 and by sexual offence classifications (as per Sexual Offence (NI) Order 2008) – figures for 2018/19 and 2019/20 where the victim is under 18. PSNI publish the data on our website within the police recorded crime annual trends bulletin and spreadsheet and can be accessed using the following link:

(<https://www.psni.police.uk/inside-psni/Statistics/police-recorded-crime-statistics/>, table 7.3)

Figures for 2020/21 will be published later this year.

In addition PSNI can also provide the following based on victim data and will not include perpetrator

- The number of offences which took place where the Modus Operandi (MO) location is ‘school’.
- The ‘school’ location subtype indicates that an offence occurred at or within the vicinity of school premises.

However it should be noted that the offence may have occurred outside of school premises. Additionally, the offences may have occurred on school premises outside of school hours and those involved in the offence may not have any connection to the school.

The 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 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](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.