



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-02710

Keyword: Crime/Incident Statistics Sexual Offences

Subject: Sexual Offences Where Victim Has A Disability

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

Request 1

In relation to sexual offences of disabled individuals (with the figures being broken down if possible re: if the offences took place when the individual was a child or an adult). Please could you supply figures for the past 5 calendar years (with the figures being broken down for each year):

- a) Number of allegations per year
- b) Number of charges placed per year
- c) Number of convictions per year

It would be helpful to have a breakdown of the disabilities if possible and within the cost/time remit.

Clarification Sent To Requester:

Can you please confirm if you are requesting information in respect of sexual offences committed against individuals with a disability or committed by individuals with a disability?

Clarification Received From Requester:

I am looking for figures of sexual offences against individuals with disabilities including learning disabilities.

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').

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 have identified that retrieval of this information would exceed the 18 hour cost limit set under the FOI Act by the Secretary of State. The information requested whilst held electronically across multiple PSNI's databases, is not held centrally in a searchable format. This information is not held in a retrievable format that provides the information without manual intervention and a comprehensive search would need to be conducted to retrieve, analyse and collate this information.

PSNI can advise in order to answer your requests the police database would first need to be analysed for every 'sexual offence with a person victim' recorded during the time frame provided would need to be individually reviewed to determine if the victim of the offence had a disability. To quantify the number of records to examine there are over 18,000 sexual offences recorded during the timeframe 1st October 2017 – 30th September 2022. While there is a text field to enter if a victim has

a disability this is not always completed and the information may be held elsewhere within the individual's record. The relevant business area has estimated that it would take 3000 hours to examine every record, to retrieve the requested information. As a result, this request would grossly exceed the FOI legislative cost of 18 hours as set by the Secretary of State.

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

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.

Request 1a & 1b – PSNI can provide all recorded sexual offences with a person victim, where the 'Victim Disability' field on the victim's person record contained information indicating a disability, for the period 1st January 2018 and 30th September 2022.

However, the business area when reviewing the information can advise that less than a third of records contain this information (including those where 'None' has been entered), and that the information held is unreliable and sometimes contradictory.

Request 1c – PSNI can provide the number of convictions per year.

However, information relating to convictions & prosecutions is provided by NI Courts Service and the Public Prosecution Service to PSNI for information purposes only and may not be wholly accurate. For accurate figures the relevant information should be sought from either NI Courts or PPS directly.

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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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 their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public

domain via our website @ www.psnj.police.uk

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