



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-02808

**Keyword:** Crime/Incident Statistics Offences against a person

**Subject:** LGBT victims

### 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)

### Request

I am undertaking research into the lived experience of Lesbian, Gay, Bisexual and Transgender (LGBT) people living with dementia. LGBT people are particularly vulnerable when living with dementia, because their needs are either overlooked or misunderstood. Recent research has revealed that 1 in 6 trans adults may develop cognitive problems in late life, compared to 1 in 10 cisgender adults. And according to the LGBT foundation there could be as many as 68,000 LGBT adults living with dementia. In a study of over 71,000 adults worldwide the World Alzheimer Report of 2019 revealed there was a, “General finding that LGBT persons do not perceive housing and support services for older persons as offering safe or welcoming accommodation and support”.

To increase understanding of the lived experience of LGBT Living with Dementia in the United Kingdom, I would like to undertake a Freedom of Information Request. My aim is to seek an accurate picture of how vulnerable LGBT people living with dementia are in your force area, as victims of crime and anti-social behaviour (ASB). Particularly as they may lose the ability to self-advocate. I appreciate this may be something your force has never considered is an issue.

To that end I would like figures from-

- January 2018 – to present
- All crime types or ASB incidents where the Victim was either LGBT or perceived as LGBT.
- Victim types - who were living with dementia at the time of the incident or perceived as living with dementia.
- Location type -Private or public and explicitly if the incident was described as having occurred in a care setting.

I appreciate that it is possible that some forces may not record “dementia” as a personal characteristic, but as a retired neighbourhood sergeant, I believe that it would be relevant data, as it would determine how an incident may need to be investigated, as the victim may require more support.

I am more than happy if you feel that you may need to have a conversation with your forces Diversity and inclusion leads, as it may be an area your force has not considered. There is little research on this community, but with an ever increasing older, LGBT population, if it’s not an issue for your force now, I can say from the data I have gathered to date, it will be something your force needs a strategy on.

### **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 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. 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 this information. PSNI have identified approximately 500 records between 1 January 2018 – 30 September 2022 where the victim’s sexual orientation was recorded as ‘Lesbian’ or ‘Gay’ or where the victim’s gender was recorded as ‘Transgender’. There is no field that would indicate whether or not a victim was living with dementia. Therefore each record would need to be manually examined to determine this. Allowing 5 minutes to review each individual incident would equate to approximately 40 hours, grossly exceeding the legislative timescale of 18 hours.

Using victim sexual orientation and gender to identify LGBT victims is likely to be inaccurate and underestimate the total number of victims as data quality for sexual orientation information is extremely poor. For example, for all offences with a person victim in 2021/22, we have sexual orientation information recorded for 0.6% of victims. With respect of transgender victims, while there is a ‘transgender’ option in the gender field, not all transgender people have been identified in this way

PSNI are committed to supporting all sections of our communities and will investigate all reports of crime & ASB including incidents that are motivated by hate. Officers will always take cognisance of individuals vulnerabilities and will seek to ensure relevant support is provided where required.

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, I have considered how your request may be refined to bring it under the appropriate limit, however unfortunately on this occasion PSNI are unable to provide any refinement for this request.

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](mailto: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.psni.police.uk](http://www.psni.police.uk)

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