



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-00519

Keyword: Crime/Incident Statistics Sexual Offences

Subject: Sexual Offences

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

I am writing to request information under the Freedom of Information Act 2000.

To clarify, I want to detail what I take each of the following to mean:

- inappropriate behaviour- conduct that is unwarranted and reasonably interpreted as demeaning or offensive. Persistent, repeated inappropriate behaviour can become harassment and thereby become disruptive, and subject to treatment as “behaviour.”
- misogyny- dislike, contempt for, or ingrained prejudice against women
- sexism- prejudice, stereotyping, or discrimination against women based on sex
- predatory behaviour- any conduct evidencing egregious, habitual or continuing attempt to misuse power, authority, position or situation to abuse or exploit others, as well as deliberate attempts to entrap or entice church workers to commit Sexual Misconduct.
- incident(s)- an individual occurrence or event, one or numerous times.
- sexual undertone- Brought on by either visual or verbal stimulus a sexual undertone is a gesture that can be taken as casual but also sexual or can be something that you say that could be applicable to sex but isn't openly talked about as so.
- aggression- the feeling of anger or antipathy resulting in hostile or violent behaviour.

- physical abuse- Physical abuse is when someone hurts or harms someone on purpose
- emotional abuse- non-physical behaviours that are meant to control, isolate, or frighten a person.
- flirting- to behave in a manner as though sexually attracted to someone.
- verbal abuse- a range of words or behaviours used to manipulate, intimidate, and maintain power and control over someone.
- sexual abuse- sexual contact or behaviour that occurs without explicit consent of the victim.
- sexual harassment- includes unwelcome sexual advances, requests for sexual favours, and other verbal or physical harassment of a sexual nature.
- preventative measure- prevention method.

The information I request to receive will be anything on the following topics/questions:

Request 1

As a police force, how many incidents have been reported to you of a police officer(s) inappropriate behaviour towards a woman (whether staff/colleagues, suspects, victims, or members of the public)?

Request 2

How many complaints have your police force received of inappropriate behaviour towards a woman (whether staff/colleagues, suspects, victims or member of the public)?

Request 3

How many of those complaints/reports were about inappropriate behaviour of a police officer(s) including sexual undertones, sexual context, aggression, physical behaviour, emotional abuse, flirting, verbal abuse, sexual abuse misogynistic behaviour, sexism, predatory behaviour and sexual harassment?

Request 4

How many of these complaints/reports were investigated by your police force?

Request 5

How many of these complaints/reports were investigated by another body outside of your police force?

Request 6

If so, as a result of the investigations, what was recommended for improvements?

Request 7

As a result of these complaints/reports, what has your police force put in place (may it be a preventative measure)?

Request 8

What education has your police force had, including its employers, on misogyny, sexism, and predatory behaviour?

Clarification Sought

What period of time are you looking the information for?

Clarification Received

The time period will be post 2020.

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 request is over cost by virtue of it including public complaints. Since 2020 over 9800 allegations have been made against the PSNI. To extract the information would require an examination of individual allegations. Whilst a number of allegations could be easily discounted, and examination of half the allegations, at an estimate of 1 minute per allegation, would require approx. 82 hours work.

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. This information can be provided for 2021 and 2022, limited to matters reported to and investigated internally by Professional Standards only.

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.psnipolice.uk

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