



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-00521

Keyword: Crime/Incident Statistics Sexual Offences

Subject: Rape and Sexual Offences in Hospitals

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

Please could you supply the following information regarding complaints of rape and other sexual offences alleged to have occurred in hospitals within your territory for the years 2019, 2020, 2021, 2022. Specifically, allegations of:

Request 1

Rapes

Request 2

Other sexual Offences

Request 3

Males raped

Request 3a

Male patients raped

- i. Male patients raped in patient areas
- ii. Male patients in staff areas
- iii. Male patients in student areas

Request 3b

Males staff raped

- i. Male staff raped in patient areas
- ii. Male staff raped in staff areas
- iii. Male staff raped in student areas

Request 3c

Other males raped

- i. Other males raped in patient areas
- ii. Other males raped in staff areas
- iii. Other males raped in student areas

Request 4

Males suffering other sexual offences

Request 4a

Male patients suffering other sexual offences

- i. Male patients suffering other sexual offences in patient areas
- ii. Male patients suffering other sexual offences in staff areas
- iii. Male patients suffering other sexual offences in student areas

Request 4b

Male staff suffering other sexual offences

- i. Male staff suffering other sexual offences in patient areas
- ii. Male patients suffering other sexual offences in staff areas
- iii. Male patients suffering other sexual offences in student areas

Request 4c

Other males suffering other sexual offences

- i. Other males suffering other sexual offences in patient areas
- ii. Other males suffering other sexual offences in staff areas
- iii. Other males suffering other sexual offences in student areas

Request 5

Females raped

Request 5a

Female patients raped

- i. Female patients raped in patient areas
- ii. Female patients in staff areas
- iii. Female patients in student areas

Request 5b

Female staff raped

- i. Female staff raped in patient areas
- ii. Female staff raped in staff areas
- iii. Female staff raped in student areas

Request 5c

Other females raped

- i. Other females raped in patient areas
- ii. Other females raped in staff areas
- iii. Other females raped in student areas

Request 6

Females suffering other sexual offences

Request 6a

Female patients suffering other sexual offences

- i. Female patients suffering other sexual offences in patient areas
- ii. Female patients suffering other sexual offences in staff areas
- iii. Female patients suffering other sexual offences in student areas

Request 6b

n. Female staff suffering other sexual offences

- i. Female staff suffering other sexual offences in patient areas
- ii. Female patients suffering other sexual offences in staff areas
- iii. Female patients suffering other sexual offences in student areas

Request 6c

Other females suffering other sexual offences

- i. Other females suffering other sexual offences in patient areas
- ii. Other females suffering other sexual offences in staff areas
- iii. Other females suffering other sexual offences in student areas

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. In relation to requests 3 - 6 the requested data is not held in a readily retrievable format and to retrieve this information would require a manual interrogation of several PSNI databases where each incident has been recorded where the location was described as a ‘hospital’. This initial examination alone would grossly exceed the statutory limit of 18 hours. At an estimate of 10 minutes to examine each incident to gather the requested information, this would require at least 31 hours of work (further time will then be required to determine whether the offence took place involving a patient, staff or other and whether the offence took place in a patient, staff or student area). At a further conservative estimate of 10 minutes to further examine the incident to determine those involved and where, this would require at least a further 31 hours of work.

Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part 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.

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, we have considered how your requests 3 - 6 may be refined to bring them under the appropriate limit. In consultation with the record owners we are unable to advise of any way to refine your requests within cost. However, we are in a position to answer request 1 and 2 and in addition, we could provide gender of the victim within cost if a new request was submitted.

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.