



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-01068

Keyword: Crime/Incident Statistics Cyber Crime

Subject: Crimes - Harassment Offences within Virtual Reality Environments

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

You requested the following information from PSNI:

Specifically, I would like to request the following information.

Request 1

In your force, between 1st January 2018 and the 28th March 2023 (1913 days).

How many crime reports (overall) have been recorded whereby the victim was subjected to any form of harassment, alarm, or distress (including any racial, sexual, religious, or related aggravating factors)) whilst within a Virtual Reality environment/platform?

Request 2

How many crime reports have been recorded whereby the victim was subjected to either a S4, S4A or S5 Public Order Act 1986 offence (fear, harassment, alarm, or distress (including any racial, sexual, religious, or related aggravating factors)) whilst within a Virtual Reality environment/platform?

Request 3

How many crime reports have been recorded and dealt with under the Protection from Harassment Act 1997, whereby the victim was subjected to fear, harassment, alarm, or distress (including any

racial, sexual, religious, or related aggravating factors) whilst within a Virtual Reality environment/platform?

Request 4

How many crime reports have been recorded and dealt with under the Communications Act 2003, whereby the victim was subjected to fear, harassment, alarm, or distress (including any racial, sexual, religious, or related aggravating factors)) whilst within a Virtual Reality environment/platform?

Request 5

How many crime reports have been recorded and dealt with under the Malicious Communications Act 1988, whereby the victim was subjected to fear, harassment, alarm, or distress (including any racial, sexual, religious, or related aggravating factors)) whilst within a Virtual Reality environment/platform?

Request 6

How many crime reports have been recorded and dealt with under another legislation (not listed above), whereby the victim was subjected to fear, harassment, alarm, or distress (including any racial, sexual, religious, or related aggravating factors)) whilst within a Virtual Reality environment/platform? Please mention the legislation used.

Request 7

How many of these reports were dealt with whereby a suspect was identified?

Request 8

How many of these reports were dealt with whereby a suspect was identified and arrested?

Request 9

How many of these reports were dealt with whereby a suspect was identified, arrested, and charged?

Request 10

What were these suspects finally charged with?

Request 11

What were the court outcomes?

Request 12

Are there any further publicly accessible details of these cases that can be shared?

Request 13

How many of these reports were dealt with whereby a suspect was not identified?

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. To determine whether or not there was a 'Virtual Reality' element to an offence would require manual examination of each record. Based on the questions asked we can narrow this down to all Stalking and Harassment offences where there is a cyber-flag. In the period 1 January 2018 – 28 March 2023 there were around 21,000 applicable offences. Each of these offences would have to be individually examined in an attempt to ascertain if there was a 'Virtual Reality' element to the offence. The relevant business area have estimated that it would take 3,500 hours to analyse these offences; grossly exceeding the 18 hour cost limit. This would be further increased for the remainder of the requests.

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 have considered how your request may be refined to bring it under the appropriate limit. Unfortunately, as a manual trawl of records would be required for retrieval of any relevant information, it is not possible to offer any refinement.

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.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, if you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner 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 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

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