



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-01297

Keyword: Crime/Incident Statistics Arrests/Detainees/Outcomes

Subject: Use of GPS Tracking in Coercive Control Cases

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

My request relates to the surge in GPS tracker stalking involved in coercive control cases.

Request

I would like to request the following information:

Can you please provide me with the number of coercive control cases over the past ten years that were dealt with by your police force where GPS tracking was used as a form of coercive control?

This could include social media trackers, AirTags, trackers on apps etc. Please provide the number of cases each year.

Please provide the information in an electronic format

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits, please provide advice and assistance as to how I can refine my request.

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.

Legislation introducing the domestic abuse offence (coercive control) was introduced in Northern Ireland in February 2022. To establish if 'GPS Tracking' was used as a form of coercive control would require examination of individual records from February 2002, and to further establish coercive control cases prior to this date would require a manual review of all crimes with a domestic abuse motivation to be examined. Based on the ten year period from 2013 to 2022, to check the relevant records for this request would be almost a total 163,800 records to exam which would bring this request grossly over cost. During this period and prior to the introduction of the legislation victims may have been reporting matters which would now be considered under the DA legislation, but they were not recorded in the same manner as they are now.

To further assist during this process PSNI have also considered your request and established that after the legislation was introduced in N Ireland from February 2022 it refers to a total of 840 occurrences. However to attempt to retrieve the information requested due to the recording system

(GPS/Trackers etc.) does not currently carry its own filter on our Police systems so we would be unable to reduce the occurrences to be reviewed lower than the 840 recorded. Again to establish this information we would have to conduct a manual review for each occurrence, to ascertain if GPS tracking, social media trackers, AirTags, trackers on apps etc. were used as part of the offence/conduct by the suspect. Thus your request would still remain in excess of the 18 hours cost limit.

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 request may be refined to bring it under the appropriate limit. Unfortunately on this occasion for the reasons as articulated above we are unable to provide any refinement of your request.

Under S16 'Duty to Assist' the PSNI Statistics website will provide data on Table 5 'The Domestic Abuse Offence (Controlling or Coercive Behaviour and associated child aggravators 21 February 2022- 30 December 2022.

To assist the table is provided below:

	21 Feb'22 - 31 Mar'22	01 Apr'22 - 30 Jun'22	01 Jul'22 - 30 Sep'22
Domestic Abuse Offence ¹	118	240	257
of which:			
<i>Child aggravator - victim under 18²</i>	2	4	5
<i>Child aggravator - child involved³</i>	41	85	90

¹ The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 created a new Domestic Abuse offence which criminal (including coercive and controlling behaviour, psychological abuse, emotional abuse, financial abuse and economic abuse) where the or close family member. Recording of this offence started on 21st February 2022, and is included within the Stalking and Harassment included two child aggravators for the Domestic Abuse offence, where the offence is aggravated by virtue of the involvement of a young

² An aggravator will be applied to a Domestic Abuse offence where the victim was under 18 at any time of the abusive behaviour. If offence is not applicable where there is a child-parent relationship and the child is under 16.

³ An aggravator will be applied to a Domestic Abuse offence when a relevant child (person under 18) is present but is not the direct where: the child saw, heard or was present during an incident of abuse; the child is used to abuse another person; abusive behaviour is child; or a reasonable person would consider that the behaviour would be likely to adversely affect the child.

Further information on the Domestic Abuse Offence and associated aggravators can be found on the Department of Justice website: <https://www.justice-ni.gov.uk/publications/abusive-behaviour-intimate-or-family-relationship-domestic-abuse-offence-statutory-guidance>

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.