



## FREEDOM OF INFORMATION REQUEST



**Request Number:** FOI-2023-01538

**Keyword:** Crime/Incident Statistics Sexual Offences

**Subject:** Offences under Article 64A

### 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 wondered if you could direct me please to the relevant source/information as to the number of arrests and convictions in respect of offences under Article 64A?

### Clarification request:

To enable the Police Service of Northern Ireland (PSNI) to meet your request could you please provide further clarification on the timeframe your request relates to.

### Clarification received:

1. In terms of time frame, I am seeking to understand the volume of offences under Article 64A of the Sexual Offences (Northern Ireland) Order 2008, per year, since the period it was introduced (June 2015) to present.
2. Is it possible to have it broken down into arrests and convictions for the purchase of sexual services, and arrests and convictions for human trafficking for sexual exploitation please?

### 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. Your request is overcost by the virtue of data for arrests and convictions for offence of human trafficking for sexual exploitation. Although PSNI does hold the requested information, due to the system limitations its retrieval wouldn’t be possible within 18 hours. The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 replaced ‘trafficking for sexual exploitation’ offence under the Sexual Offences Act 2003 and ‘trafficking of people into/within the UK for exploitation’ under the Asylum and Immigration Act 2004 with the combined offence of ‘Human trafficking’. In order to ascertain if incidents had a sexual exploitation purpose, would be necessary to carry out a manual trawl of each of 184 incidents of human trafficking recorded by PSNI between 1<sup>st</sup> June 2015 and 15<sup>th</sup> May 2023. Further examination would then need to be conducted to retrieve data in regards to arrests and convictions. It has been estimated that to only retrieve a number of incidents of human trafficking for sexual exploitation would take over 30 hours, based on a conservative estimate of 10 minutes per incident, which grossly exceeds the legislative cost of 18 hours as set by the Secretary of State.

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.

After consultation with Record Owner within PSNI we have determined that we would be able to provide you with data on:

- 1) The number of arrests and convictions for the offence of Paying for Sexual Services from 1 June 2015 to 15 May 2023.
- 2) The number of arrests and convictions for the offence of Human Trafficking between 1 June 2015 and 15 May 2023
- 3) Breakdown of arrests and convictions for human trafficking for sexual exploitation for financial year 2022-2023

We have also considered that you might find useful links below:

- International Organisation for Migration NRM Data Analysis Briefings

[NRM Data Analysis Briefings](#)

- Home Office Statistics on Human Trafficking

[Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, October to December 2022 - GOV.UK \(www.gov.uk\)](#)

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.psnipolice.uk](http://www.psnipolice.uk)

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