

WILTSHIRE POLICE



XXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 20th April 2023

Our Ref FOI 2023-438

Dear XXXXX,

I write in connection with your request for information dated 15th April 2023, concerning upskirting.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by the Business Intelligence department at Wiltshire Police. Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

I am writing to you under the Freedom of Information Act 2000 to request the following information on upskirting from Wiltshire Police:

- How many allegations of upskirting were made to your force between 2016 – 2018? Please provide the data on an annual basis
- How many allegations of upskirting were made to your force from 2019-2022? Please provide the data on an annual basis
- How many people were charged with upskirting by your force from 2019-2022? Please provide the data on an annual basis
- How many charges of upskirting were made by your force from 2019 – 2022? Please provide the data on an annual basis
- Of the people you charged with upskirting from your 2019-2022, how many individuals were also charged with other sexual offences?
- Of the people who were charged with upskirting offences from 2019-2022 and were also charged with other sexual offences, please list the special sexual offences which they were also charged with
- Of the people who were charged with upskirting offences from 2019-2022, how many were under the age of 18?

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- Of the people who reported that they have been a victim of upskirting since the 12th April 2019, how many have been under the age of 18? Please list their ages
- Of the people who reported that they had been a victim of upskirting since the 12th April 2019, how many were under the age of 10? Please list their ages
- Have you received any allegations of people who have experienced 'down-blousing' – photos taken down someone's top without their consent. If so, how many people have made allegations about this?

Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The information you are requesting - specifically in relation to 'down-blousing' - is not stored in a way which permits for easy retrieval. There is no offence description relating to 'down-blousing'. To establish whether this information is held would require manually reviewing every sexual offence for the period requested to determine if there are any occurrences of relevance to your request. This would require manually reviewing thousands, if not hundreds of thousands, of reports.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please also note that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

Although excess cost removes the Forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I can provide you with is documented below:

- How many allegations of upskirting were made to your force between 2016 – 2018? Please provide the data on an annual basis

No information held - Upskirting only became a criminal offences in early 2019 and therefore we do not have any information to provide for these years.

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- How many allegations of upskirting were made to your force from 2019-2022? Please provide the data on an annual basis

Reported Year	Crime	Non Crime Incidents
2019	5	
2021	3	1
2022	3	1

Please note: There were no crimes / non-crime incidents recorded in 2020.

A 'non crime incident' is an incident which has been reported as a crime, but hasn't met the threshold for charging.

- How many people were charged with upskirting by your force from 2019-2022? Please provide the data on an annual basis
- How many charges of upskirting were made by your force from 2019 – 2022? Please provide the data on an annual basis

2020 – 1 person was summonsed for 1 offence of upskirting (reported in 2019)

- Of the people you charged with upskirting from your 2019-2022, how many individuals were also charged with other sexual offences?

Zero

- Of the people who were charged with upskirting offences from 2019-2022 and were also charged with other sexual offences, please list the special sexual offences which they were also charged with

N/A

- Of the people who were charged with upskirting offences from 2019-2022, how many were under the age of 18?

Zero

- Of the people who reported that they have been a victim of upskirting since the 12th April 2019, how many have been under the age of 18? Please list their ages

Reported Year	Age				
	13	14	15	16	17
2019 (since 12 th April 2019)				1	
2021		1			1
2022	1		1		

Please note: There were no crimes / non-crime incidents recorded in 2020.

- Of the people who reported that they had been a victim of upskirting since the 12th April 2019, how many were under the age of 10? Please list their ages

Zero - refer to above table.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a

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notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

Please contact me if you would like to discuss the withheld information.

Yours sincerely,

Abigail Standidge

Phone: 01722 547081

Email: abigail.standidge@wiltshire.police.uk

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101



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Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish to contact them, please visit <https://ico.org.uk/global/contact-us/>

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