

**Police Headquarters**

London Road

DEVIZES

Wiltshire

SN10 2DN

disclosure@wiltshire.police.uk

Date: June 12, 2023

Your ref:

Our ref: FOI 2023/497

Reply contact name is:

Dear,

I write in connection with your request for information, dated 2nd May 2023 concerning causing intentional harassment, alarm or distress.

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 Team Performance Department of Wiltshire Police.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You Wrote:

1. Please provide the number of cases of intentional harassment, alarm or distress (Public Order Act 1986 Sec. 4A) reported to your force between January 1st and December 31st 2022. Your force may record this under classification code 125/09. If held, please outline how many cases of causing intentional harassment, alarm or distress include a sexual element (for example, have been recorded alongside another crime type as a sexual offence, or specifies 'sexual harassment')

2. Please provide the above totals broken down by: age of victim (just 'child' or 'adult' is fine, but more detail is welcome if within the cost limit) and crime outcome.

Note: Please include reported crime, not *just* 'recorded' crime in the above totals. Where reports have not progressed to a recorded crime, please flag this as a crime outcome (for example, 'reported, not recorded').

Response:

The information that you are requesting, specifically whether a sexual element was included, is not stored in a way which allows for easy retrieval and Wiltshire Police do not have the search facility to automatically gather this type of data. To clarify, there are over 2,500 crimes and reports of causing intentional harassment, alarm or distress (S.4A Public Order Act) for the requested time period. Therefore, to ascertain this information, it would require manually searching and reading each and every report individually to determine whether it included a sexual element. This would exceed the 18 hour work limit to locate, retrieve and extract the information, making Section 12 applicable.

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.

Ordinarily under our Section 16 obligation to provide advice and assistance, I would advise you of a way to refine your request. However, due to the difficulties as outlined above, I cannot think of a way in which this could be achieved.

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

I am satisfied that all the relevant information has been passed to me, and been considered in the light of your request, within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,



The 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

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 FoI 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 you contact them, please visit <https://ico.org.uk/global/contact-us/>