

# WILTSHIRE POLICE



XXXXXXX  
By email

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

**Date** 26<sup>th</sup> January 2024

**Our Ref** FOI 2024-105

Dear XXXXX,

I write in connection with your request for information dated 24<sup>th</sup> January 2024, concerning hate crime.

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:**

*Clarification was sought in relation to the search period as the request states calendar years however each question lists financial years. Confirmation was received stating to use the following calendar years for the request period : 2020, 2021, 2022 and 2023.*

Under the Freedom of Information Act, I would like to request the following information in calendar years:

Hate Crimes involving Homophobia from the years 20/21, 21/22 and 23/24

Hate Crimes involving Transphobia from the years 20/21, 21/22 and 23/24

Hate crimes involving LGBTQ+ (Generalised) from the years 20/21, 21/22 and 23/24

Hate Crimes involving Homophobia under the age of 18 from the years 20/21, 21/22 and 23/24

Hate Crimes involving Transphobia under the age of 18 from the years 20/21, 21/22 and 23/24

Hate crimes involving LGBTQ+ (Generalised) under the age of 18 from the years 20/21, 21/22 and 23/24

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## 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 - namely in relation to hate crimes involving homophobia - is not stored in a way which permits for easy retrieval. The qualifier used to return this data is 'Prejudice - Sexual orientation', which covers all sexual orientation. We do not have a way to determine whether a hate crime relates to homophobia apart from manually checking each hate crime occurrence within the requested time period.

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 note:

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.

Forces may use different recording systems, therefore it may be possible some Forces can provide this information where others cannot.

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:

**Please note:** This data refers to all sexual orientation.

| NICLQualifiers                 | 2020 | 2021 | 2022 | 2023 |
|--------------------------------|------|------|------|------|
| Prejudice - Sexual orientation | 125  | 173  | 148  | 166  |
| Prejudice - Transgender        | 23   | 19   | 38   | 55   |

## Victim under 18

| NICLQualifiers                 | 2020 | 2021 | 2022 | 2023 |
|--------------------------------|------|------|------|------|
| Prejudice - Sexual orientation | 20   | 24   | 20   | 30   |
| Prejudice - Transgender        | 10   | 4    | 17   | 21   |

## Suspect under 18

| NICLQualifiers                 | 2020 | 2021 | 2022 | 2023 |
|--------------------------------|------|------|------|------|
| Prejudice - Sexual orientation | 26   | 28   | 27   | 32   |
| Prejudice - Transgender        | 12   | 4    | 9    | 15   |

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 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,

**Force Disclosure Decision Maker**

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



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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](mailto: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](mailto: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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