

WILTSHIRE POLICE



XXXX - Via email

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

Date 22nd February 2024

Our Ref FOI 2024-189

Dear XXXX,

I write in connection with your request for information dated 14th February 2024, concerning sexual assaults and rapes in public toilets.

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 Business Intelligence 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 would like to request the number of sexual assaults and rapes taken place in public toilets within your jurisdiction in the past 10 years.

Specifically, I am interested in the following:

How many sexual assaults and rapes against people aged over 18 have been reported which are alleged to have taken place at public toilets in your jurisdiction in the last 10 years?

How many sexual assaults and rapes against people aged under 18 have been reported which are alleged to have taken place at public toilets in your jurisdiction in the last 10 years?

How many cases had an outcome of charge/summons?

If possible, please provide yearly data and comment on measures you are taking to address the issue.

If 10 years of data is not available, please provide data from the earliest month you can trace to the most recent month.

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

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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 is not stored in a way which permits for easy retrieval. We do not hold the addresses for public toilets therefore, to ascertain whether an incident was relevant to your request, we would need to peruse all sexual assault and rape occurrences within the specific time frame to determine where the incident took place.

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.

Under our Section 16 obligation to provide advice and assistance, we would advise you to refine your request to a more manageable level. It may assist us if you were to provide specific addresses for us to search, however please note exemptions may still apply.

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

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