

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E Mail

Date: 3rd April 2024

Your ref: FOI

Our ref: FOI 2024 / 301

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 11th March 2024 concerning Revenge Porn.

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.

Your request for information has now been considered and – having consulted our Business Performance Team - I am now able to respond as follows.

You wrote:

I am writing to request information on reports of revenge porn, or the disclosure of sexual photographs and films with the intent to cause distress, received by your force between 2017 and 2024. In particular, I would like to request information on:

- The number of reports of revenge porn (disclosure of sexual photographs and films with the intent to cause distress) received each year between 2017 and 2024
- The number of revenge porn cases in which alleged victims were unwilling or unable to contribute to police efforts to prosecute the alleged offender
- The number of convictions made for revenge porn
- The number of reports of *threats* to share photographs or films which show, or appear to show, someone in an intimate state
 - This would be a breach of Section 188(4) of the Online Safety Act 2023
- The number of cases involving threats to share intimate photographs or films in which alleged victims were unwilling or unable to contribute to police efforts to prosecute the alleged offender
- The number of convictions made in cases involving threats to share intimate photographs or films



INVESTOR IN PEOPLE

I would appreciate it if you could provide me with the most recent data available on the above between January 2017 and March 2024. The format I would like this data to be presented in is exhibited by the attached Excel file.

As is shown by the attached file, I would like the data to be presented in a table with the following headers for each column:

- Year
- Number of reports of revenge porn (disclosure of sexual photographs and films with the intent to cause distress)
- The number of convictions made for revenge porn
- Number of revenge porn cases in which alleged victims were unwilling or unable to contribute to police efforts to prosecute the alleged offender
- Number of reports of threats to share photographs or films which show, or appear to show, someone in an intimate state
- Number of convictions made in cases involving threats to share intimate photographs or films
- Number of cases involving threats to share intimate photographs or films in which alleged victims were unwilling or unable to contribute to police efforts to prosecute the alleged offender

Notes:

- If the time/cost of providing annual information on the above for the period between 2017 and 2024 exceeds the threshold below which your force is under a legal obligation to respond, please provide recent data spanning fewer years (e.g., 2022-2024) if the time/cost needed to do so is below that threshold.

Our response:

Wiltshire Police record crime in accordance with designated Home Office Crime Recording guidelines.

Revenge Porn offences are recorded under the following two Home Office Codes :-

Home Office Code - 8/71

Disclose or threat to disclose private sexual photographs/film with intent to cause distress
Disclose or threat to disclose sexual photographs/films with intent to cause distress
Disclose private sexual photographs with intent to cause distress

Home Office Code - 88/15

Sharing intimate photograph or film to cause alarm, distress or humiliation or for sexual gratification
Threaten to share intimate photograph or film

As you can see, under the current recording system there is no real defined distinction between actually disclosing information or threatening to do so. It would only be possible to discern the

difference between a disclosure having been made or a threat to do so having been made by physically locating and reading the Occurrence Log narrative of the recorded offence.

Given the number of records involved for the time period you require – which total nearly 400 individually recorded offences – and allowing a very conservative 5 minutes per record to do so, 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.

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.

Although excess cost removes the forces' obligations under the Freedom of Information Act, as a gesture of goodwill – and under our Section 16 duty to be as helpful as possible to an applicant - 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 am able to provide you are the answers in the attached spreadsheet.

Please Note

- We do not hold any information with regards to conviction data – we would recommend that you submit an FOI request directly to CPS (Crown Prosecution Service) to obtain this information. However, under our Section 16 obligation to be as helpful as possible to an applicant, I have provided you with details of the number of Charges / Summons / Cautions issued for Revenge Porn Offences. I have, however, provided you with details of the positive outcomes issued by year for these offences (charged, summonsed, cautions etc) although this is not the conviction data you require.
- In your request, you have asked for the number of reports where a victim was in an intimate state. We are unable to provide this information as – not only would this information only be held in the narrative of the occurrence log – it is open to conjecture and the personal feeling of the individual recording the information as to what constitutes an “intimate state”. People’s interpretation of that will vary depending on their experience, upbringing and so on. It should also be noted that there is no obligation on an Authority under the FOIA to provide an opinion, which the answer undoubtedly would be.
- In your request, you have also asked for details of the cases in which alleged victims were unwilling or unable to contribute to police efforts to prosecute the alleged offender. Wiltshire Police record crime outcomes in accordance with the nationally agreed categories of Detection Status.
None of the current Detection Statuses reflect where a victim has been specifically unwilling or unable to contribute to police efforts to prosecute an alleged offender. If this information was held, it would only be in the occurrence log of the crime and again, it would be open to conjecture and the personal feeling of the individual recording the information as to whether they felt the victim was “unwilling or unable” to contribute to police efforts. Again, people’s interpretation of that will vary depending on their experience, upbringing and so on. It should also be noted that there is no obligation on an Authority under the FOIA to provide an opinion, which the answer undoubtedly would be.
I have, however, provided you with details of the other disposals (Outcomes) by year that have not been positive. Please refer to outcomes 14 and 16 where there have been evidential difficulties involving the victim which are the closest to the information you are asking for.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

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,

Nick Penny
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
Telephone 101 ext 62005

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.pnn.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