

WILTSHIRE POLICE



XXXX – Via email

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

Date 7th August 2024

Our Ref FOI 2024-680

Dear XXXXX,

I write in connection with your request for information dated 22nd July 2024, concerning sexual communication with a child.

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 Team Performance 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:

1. Since its implementation into law in 2017, please state how many people have been charged by your force with the offence of sexual communication with a child (Section 67, Serious Crime Act 2015)
2. Of the people charged, how many of them have been convicted?
3. How many of the offences recorded were initiated online and how many offline?

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.

Keeping Wiltshire Safe

The information you are requesting, specifically question 3, is not stored in a way which permits for easy retrieval. Whilst we do have a tag on our system that lets us know there was cyber involvement within an incident, the only way to know whether the incident was initiated this way would be to manually review each occurrence log. It is also worth noting that this tag is not mandatory, therefore we would be required to review all occurrences including those that do not have the tag applied, in case these are also relevant to the request.

To summarise, in order to determine how many of these offences were initiated online, we would be required to manually review the occurrence log of every sexual communication with a child offence within the requested time frame. In total, there are 328 offences recorded. It would take approximately 5 minutes to review each occurrence log, which means in total it would take approximately 27 hours to review all of these logs.

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:

Question/answer

1. 75
2. No information held. You may wish to contact the court directly for this data as this is not information held by Wiltshire Police.
3. 231 out of 328 total recorded offences under the requested time frame have a cyber tag, however, as noted above, this is not a mandatory tag on our system and whilst the tag confirms an element of cyber involvement, it is not certain that this is how the offence was initiated therefore the result may be unreliable.

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.

Keeping Wiltshire Safe

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