



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

Date: 3rd December 2024

Ref: FOI 2024/1002

Dear,

I write in connection with your request for information dated 13th November 2024 concerning revenge pornography.

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 I am not obliged to supply the information you have requested.

You wrote:

I would like to request the following information regarding non-consensual intimate images (NCIIs).

- In the past two years, has your police force returned a device to somebody convicted of revenge porn (as per section 33(1) of the Criminal Justice and Courts Act 2015), which still had the relevant non-consensual intimate images on the device?
- If so, how many times has your police force done this?
- If so, what are the specific case details that your police force can share about these cases?
- In the past two years under the jurisdiction of your police force, have there been any cases of people who have been convicted of revenge porn charges then re-offending with the same NCIIs or against the same victims?

Our response:

The information that you are requesting for the majority of your request is not stored in a way which permits easy retrieval. This is because there isn't a way within our systems that we can easily obtain information pertaining to devices that have been seized and returned, therefore, the only way in which we would be able to attempt to confirm

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whether we hold this information for you, would be to manually peruse through every case file that falls under the crime category of a sexual offence (of which revenge pornography falls under) where a charge has taken place, as well as liaising with a number of other teams within the force who deal with the handling of seized devices in order to attempt to ascertain whether we hold this information.

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.

Please 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.

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. But, to assist you where we can, you may wish to refer to the [Revenge Porn Helpline](#) website whereby they provide the following information:

"Can the police delete images or videos from someone's phone?"

No. The police do not have any powers to require a suspect or anyone to delete information. They may well seize a device as evidence, but ultimately the courts are the only legal process that can compel someone to remove or destroy items."

Therefore, I would suggest that you approach the Crown Prosecution Service to see if they might be able to assist you further.

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(2) – Exemption where cost of compliance exceeds 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,

Force Disclosure Decision Maker

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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.

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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