

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 6th December 2024

Our Ref FOI 2024-1021

Dear XXXXX,

I write in connection with your request for information dated 19th November 2024, concerning non-crime hate incidents.

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:

Please provide the following data on non-crime hate incidents, for the period between January 1st, 2019 to the current date, broken down by calendar year.

Please send me:

1. The total number of non-crime hate incidents recorded by your police force from January 1st, 2019 to the current date. Please break down the data by calendar year.
2. A breakdown of non-crime hate incidents recorded in your jurisdiction from January 1st, 2019 to the current date. The data should be categorised by type of perceived hate (e.g., race, religion, sexual orientation, disability, transgender identity etc.).
3. Details of any follow-up actions taken by the police or other agencies in relation to non-crime hate incidents reported from January 1st, 2019 to the current date. For example, were any individuals referred to support services?
4. Provide anonymised demographic data (e.g., age, gender, ethnicity) of individuals involved in non-crime hate incidents recorded between January 1st, 2019 to the current date. This should include both complainants and alleged offenders.
5. How many non-crime hate incidents were recorded in your jurisdiction involving online or social media activity between January 1st, 2019 to the current date?

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6. How many non-crime hate incidents reported between January 1st, 2019 to the current date were later reclassified as criminal offences?

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 question 6 - is not stored in a way which permits for easy retrieval. To establish whether a crime had initially been classified as a non-crime hate incident (NCHI), a manual review of all crimes recorded since June 2023 - when NCHIs came into effect - would be required. This would require manually interrogating thousands of records and would far exceed the time obligations placed on the Force to comply with your request.

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:

Caveats

- ❖ NCHIs came into effect in June 2023, therefore all data below has been provided from 1st June 2023 to 29th November 2024 (data is live and correct as at).
- ❖ Not all NCHIs will have a suspect (such as with racist graffiti) or victim such as with social media posts) so we cannot report on their characteristics / demographic data.

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- ❖ The data for question 4 includes the reporting person, aggrieved and suspect where know for each.

Q1 - Total NCHIs recorded

	Distinct Count of Occ No
2023	11
2024	25
Grand Total	36

Q2 - Breakdown of NCHIs categorised by type of perceived hate

	Prejudice - Disability	Prejudice - Racial	Prejudice - Religion	Prejudice - Sexual Orientation	Prejudice - Transgender
2023	1	6	1	1	2
2024	1	19	0	3	2

Q3 - Follow-up actions taken in relation to NCHIs

	Victim Referred to Support Services
2023	2
2023	13

Q4 - Demographic data of individuals involved in NCHIs

Involved Gender	Count of Person ID
F	45
M	44

Involved Age	Count of Person ID
13	2
14	4
15	1
16	5
17	1
20	1
21	1
23	1
25	3
26	2
27	2
30	2
33	1
34	1
35	3
36	2

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37	2
39	3
40	1
42	1
45	3
47	1
48	1
49	1
50	3
51	1
52	2
53	1
55	2
58	2
59	1
61	1
62	2
69	1
71	1

Q5 - NCHIs involving online / social media activity

	Involving Social Media
2023	2
2024	1

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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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.

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

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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