

WILTSHIRE POLICE



XXXX – By email

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

Date 3rd December 2024

Our Ref FOI 2024-1023

Dear XXXX,

I write in connection with your request for information dated 20th November 2024, concerning social media arrests.

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:

Please could I request the following information under the FOI Act relating to your police service:

- 1) How many people have been arrested for posts on social media? [Helpful background here: <https://www.met.police.uk/advice/advice-and-information/har/harassment-on-social-media/> social media includes things like Facebook, Twitter and Instagram]
- 2) How many people have been charged over social media posts?
- 3) How many people have been convicted over social media posts?

Please could it be broken down into the following years? [I understand records might not go back as far as requested or in the format requested but please provide detail as close as possible to the format requested]

Number of arrests:

2014
2015
2016
2017
2018
2019
2020
2021
2022

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2023
2024

Number of charges:

2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024

Number of prosecutions:

2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024

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 is not stored in a way which permits for easy retrieval. Wiltshire Police do not have a specific field in which to indicate that a recorded incident is linked to social media. To determine how many people have been arrested, charged or convicted for crimes linked to social media, we would need to manually peruse all relevant crime reports within the timeframe given. In this period, we have had over 480 thousand reports that may relate to this request and it would take on average 5 minutes to manually investigate each report.

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.

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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.

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