



Your reference: N/A
Our reference: FOI_24_0643
E-mail: FOI
@gloucestershire.police.uk
Direct dial: 01452 754304
Postal Address: As above
Date: 01/08/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0643

On 04/07/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

Please could you provide us with the numbers in relation to the following information, for the period 31st January 2023 to 30th January 2024, concerning Disclosing private sexual photographs and films with intent to cause distress under Section 33 of the Criminal Justice and Courts Act (2015) where the victim is aged 18 or older:

- Reported cases
- Arrests
- Outcomes:
 - o No further action (with further detail, if possible)
 - o Charges
 - o Other resolutions

Clarification was sent on 26/07/2024 will the following: When an individual contacts the police and it's deemed to be a police matter, an incident will be created on the Incident Recording System. If that incident is deemed to fall within the Home Office Crime Recording Rules, a crime will be recorded on the Crime Recording System.

I have asked if you would like to confirm if you would like a search to be conducted for the incident or crime data.

A response to the clarification on 26/07/2024 asking if a search can be conducted for both recording systems, if not would like to request data from the Incident Recording System.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

Unfortunately, it is not possible to electronically search for the information you have requested in relation to the incidents which were logged as Disclosing private sexual photographs and films with intent to cause distress. In order to identify and retrieve the requested information, a manual review of over 1540 incidents would be required as the incident recording system is largely free text and does not record information in as much detail as the Crime Recording System and therefore its reporting function is limited. This manual review would exceed the 18 hours prescribed by Section 12 of the Freedom of Information Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1) – Fee Regulations states:

Section 1(1) of the Act 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. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Providing Information Outside of the Act

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, we have supplied the information relevant to your request which has already been retrieved. We trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Police Forces in the United Kingdom are routinely required to provide statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data. It should be noted that for these reasons the figures given relate to information from the specific recording system of Gloucestershire Constabulary and should not be used for comparison purposes with any other response you receive.

Please note that our systems are designed to record information for policing purposes and the investigation of crime and not to extract statistical information. Accordingly whilst we endeavour to extract relevant data within the time limits of the Act, any data supplied is subject to these limitations.

Following receipt of your request, I can confirm that a search of the Crime Recording System has been conducted for the offence of:
008/71 – Disclose private sexual photographs with intent to cause distress
Which were recorded between 31/01/2023 and 30/01/2024, with the recorded outcomes.

There has been 1 crime which has been NFA.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary