



Your reference: N/A
Our reference: FOI_25_0115
E-mail: FOI
@gloucestershire.police.uk
Direct dial: 01452 754304
Postal Address: As above
Date: 27/02/2025

Dear

Gloucestershire Constabulary Freedom of Information request FOI_25_xxx

On 31/01/2025 you sent an email constituting a request under the Freedom of Information Act asking the following:

I wish to make a Freedom of Information (Fol) request under the Freedom of Information Act 2000.

The information I seek (ideally by email - in .pdf or .xls format) is:

1)

The number and outcome of charges made by your police force under Section 127 of the Communications Act 2003, for each of the calendar and/or financial years - where available - since the aforementioned act came into force.

2)

The number of allegations made to your police force related to Section 127 of the Communications Act 2003, for each of the calendar years and/or financial years - where available - since the aforementioned act came into force.

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

When an Individual contacts the police and it is deemed to be a police matter, an incident will be created on the Incident Recording System. Please note that the word "incident" in Gloucestershire Constabulary's terminology refers to a type of record, not the event as a whole. If an offence is being reported (rather than a missing person for example) the "incident" will be assessed to determine if the offence falls within the Home Office Crime

Recording Rules. If that incident is deemed to fall within the counting rules, a “crime” will be recorded on the Crime Recording System.

Please note that the Incident Recording System is largely a free text entry system and does not record information in as much detail as the Crime Recording System and therefore its reporting function is limited.

Unfortunately there is no way of electronically searching for the information you have requested. The Incident Recording System does not have any way of identifying allegations relating to specific Acts, other than where the word is recorded within the report, therefore in order to ascertain incidents that relate to such offences, a manual review of all incidents for the years requested would be required. Given that the Constabulary records approximately 500 incidents per day, this would clearly take far longer than 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, initial searches were conducted of the Crime Recording System for substantiated crimes recorded from 25/07/2003 to 30/01/2025 where the offences are listed as the following:

196/07 - Cause to be sent by public communication network an offensive / indecent / obscene / menacing message / matter

196/07 - Persistently make use of public communication network to cause annoyance / inconvenience / anxiety

196/07 - Send by public communication network an offensive / indecent / obscene / menacing message / matter

This has returned zero (0) results.

Unfortunately, I'm unable to assist in suggesting ways of refining your request to come within the confines of Section 12 of the Act. Even reducing the timescale would not reduce the number of records enough that a manual review could be conducted within the timescale but still provide meaningful information.

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