



20<sup>th</sup> November 2018

## **Freedom of Information Request Reference N<sup>o</sup>: FOI 003891/18**

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 23<sup>rd</sup> October 2018 in which you sought access to the following information:

- 1 The number of incidents of online malicious communication to under 18s reported from the 23<sup>rd</sup> of October 2017 to 23<sup>rd</sup> October 2018.
- 2 A breakdown of that information into age.
- 3 The number of incidents of online malicious communication to under 18s reported from the 23<sup>rd</sup> of October 2016 to the 23<sup>rd</sup> October 2017.
- 4 A breakdown of that information into age.

### ADDITIONAL REQUEST

- 1 The number of crimes relating to online malicious communication where the victim was under 18 reported from the 23<sup>rd</sup> of October 2017 to 23<sup>rd</sup> October 2018.  
- A breakdown of this information into age.
- 2 The number of crimes relating to online malicious communication where the victim was under 18 reported from the 23<sup>rd</sup> of October 2016 to the 23<sup>rd</sup> October 2017.  
- A breakdown of this information into age.

## **Response to your Request**

When responding to a request for information under the terms of the Freedom of Information Act, a public authority is not obliged to provide information if the authority estimates that the cost of the retrieval of the information requested would be in excess of £450 (equivalent to 18 hours work).

The costs criteria relates to a request in its entirety, which means that if we cannot retrieve all of the information requested within the costs limit, we are not obliged to retrieve *any* of the information requested.

The Norfolk and Suffolk Constabularies estimates that to retrieve all the information you have requested for both forces would exceed cost in excess of £450 (per force).

It is not possible to identify incident reports which would be relevant to your request, within the cost limit. There is no specific incident category or keyword search that could be completed to retrieve any accurate data.

We have also undertaken research of recorded crimes for the two time periods requested. Again, it is not possible to accurately identify relevant crime reports within the 36 hour cost limit for the two Constabularies.

We have identified the following number of crime reports relating to the offence of Malicious Communications:-

Time Period	NORFOLK	SUFFOLK
23/10/2017 to 23/10/2018	290	374
23/10/2016 to 23/10/2017	272	367

The crime system allows for a tag to be added to a crime where the offence is believed to have been committed 'online' but this is not mandatory and not used consistently. Therefore it would be necessary to review each crime text to see if the offence was 'online'. There are also a number of records where the victim's date of birth has not been recorded and these crimes would also need to be reviewed to see if this is referred to within the crime freetext.

It is estimated that it would take 5 minutes per crime report to review the offence details. Due to the number of crimes, this would significantly exceed the appropriate limit for dealing with a Freedom of Information request, in terms of costs, and therefore Section 12(1) of the Freedom of Information Act applies.

Section 12(1) of the Freedom of Information Act states that a public authority is not obliged 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 Freedom of Information (Appropriate Limit and Fees) Regulations 2004, defines the 'appropriate limit' for the Norfolk and Suffolk Constabularies as £450 for each Constabulary, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for your request.

#### Advice and Assistance

Although excess cost removes Norfolk and Suffolk Constabularies obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relevant to your request, which was 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.

The following information has been extracted from the Constabularies' crime system. This relates to only those crime reports where the victim date of birth indicates that were aged under 18 at the time of the offence. Only those crimes with an 'online' indicator have been included in the figures. As advised, within the cost refusal above, these figures cannot be confirmed as accurate, due to the variables with regard to the recording of these offences.

#### NORFOLK

Offence Description (online tag – victim under 18)	Number of Crimes
<b>23/10/2016 to 22/10/2017</b>	
Disclose private sexual photographs and films with intent to cause distress	1
Sending letters etc with intent to cause distress or anxiety. Malicious Communications Act 1988	109
Harassment – without violence (course of conduct)	9

<b>TOTAL</b>	<b>119</b>
<b>23/10/2017 to 22/10/2018</b>	
Disclose private sexual photographs and films with intent to cause distress	1
Harassment – without violence (course of conduct)	13
Sending letters etc with intent to cause distress or anxiety. Malicious Communications Act 1988	58
<b>TOTAL</b>	<b>72</b>

## SUFFOLK

<b>Offence Description (online tag – victim under 18)</b>	<b>Number of Crimes</b>
<b>23/10/2016 to 22/10/2017</b>	
Disclose private sexual photographs and films with intent to cause distress	4
Sending letters etc with intent to cause distress or anxiety. Malicious Communications Act 1988	132
Harassment – without violence (course of conduct)	13
<b>TOTAL</b>	<b>149</b>
<b>23/10/2017 to 22/10/2018</b>	
Disclose private sexual photographs and films with intent to cause distress	5
Harassment – without violence (course of conduct)	19
Sending letters etc with intent to cause distress or anxiety. Malicious Communications Act 1988	120
Attempted - Sending letters etc with intent to cause distress or anxiety. Malicious Communications Act 1988	1
<b>TOTAL</b>	<b>145</b>

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the  
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 40 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker  
Information Management Department  
Norfolk Constabulary  
Operations and Communications Centre  
Jubilee House  
Falconers Chase  
Wymondham  
Norfolk NR18 0WW  
OR  
Email: [freedomofinformation@norfolk.pnn.police.uk](mailto:freedomofinformation@norfolk.pnn.police.uk)*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk) or contact them at the address shown below:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 700