



Our Ref: 001973/21

Your Ref:

Address Correspondence to: Information Management

Date 28 June 2021

I write in connection with your request for information under the Freedom of Information Act 2000 (FOIA), received on 09/06/2021 in which you requested the following information: -

Please may you provide the annual count for your Constabulary of arrests, charges, number of assailants released on bail or released without charge under Section 127 of the Communications Act 2003 from its introduction in 2003 to date. I am only seeking data relating to online or text-based communication, specifically malicious social media communications via Facebook, Twitter, Instagram, WhatsApp, email, and text.

I request a breakdown of the gender of the complainants in aggregated form i.e. 50 complainants are men, 76 are women. I do not require any data that could identify a living person.

If information for 2021 is not yet fully available, please identify what is currently available and provide as much as possible if you could.

I can confirm, pursuant to s1(1)(a) of FOIA that this Force does hold the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire 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(s) applicable to the information are as follows.

Section 12 – Cost of compliance exceeds appropriate limit.

Leicestershire Police do not hold the information you have requested in a readily retrievable format, to provide the information requested would require a manual review of 435 people arrested for offences under the Malicious Communications Act (in the period 205 – May 2021) in order to identify those meeting the requirements of your request. This would take in excess of 18 hours.

In order to retrieve the information you have requested would therefore be in excess of the 18 hours specified by the Home Office as the time period for which a police force should allocate to a request under the Freedom of Information Act 2000.

In the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, the current regulatory limit which has been set by the Secretary of State for public authorities, which includes the police service, is £450 for the marginal costs which are the costs of finding, sorting, editing or redacting information and disbursements (printing, photocopying etc). The Association of Chief Police Officers have agreed a national standard of an hourly rate of £25 is to be charged for the time taken. In essence therefore, the costs equate to 18 hours work per request. It will be apparent therefore that within the time frame of 18 hours it will not be possible to extract the information to answer any of your questions.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under s12(1) as the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to the Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer

Leicestershire Police