

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 December 2022

Public Authority: Chief Constable of Cheshire Constabulary
Address: Police Headquarters
Clemonds Hey
Winsford
Cheshire
CW7 2UA

Decision

1. The complainant has requested information relating to allegations of child sexual abuse and/or exploitation related to the Jehovah's Witness organisation.
2. The Commissioner's decision is that Cheshire Constabulary was entitled to apply section 12(2) of FOIA and he is satisfied that Cheshire Constabulary met its obligations under section 16(1) to offer advice and assistance. No steps are required.

Request and response

3. On 11 January 2022 the complainant requested information of the following description:

"This is a Freedom of Information Act request for information for data you hold investigations into allegations of child sexual abuse and/or exploitation (CSA/E) related to the Jehovah's Witness organisation.

The questions are listed in order of priority, please answer as many as possible within the allotted time.

1. How many allegations of child sexual abuse and/or exploitation involving the Jehovah's Witness organisation has your force received over the past 10 years? Please provide an annual total for the number of alleged perpetrators/suspects of this crime notified to your force each year.
 2. How many investigations into allegations of CSA/E involving the Jehovah's Witness organisation has your force carried OUT over the past 10 years? Please provide an annual total number of investigations for each year.
 3. Please break down the total number of investigations by status. This can be 'live' or 'closed'. If 'closed', please specify the investigation outcome, including but not limited to: no further action (NFA) by police, NFA by the Crown Prosecution Service, caution, acquittal or conviction.
 4. For all investigations which were closed following NFA by police, please state the reasons why no further action was taken (such as, suspect deceased; suspect not identified/traced; victim does not support police action; insufficient detail/evidence; and specifically, whether lack of cooperation from the Jehovah's Witness organisation was also a contributing factor.
 5. For all investigations of CSA/E involving the Jehovah's Witness organisation, please can you state whether a report of the alleged abuse was made within the Jehovah's Witness congregation/organisation before it was reported to the police? For example, the JW organisation may have disclosed to you internal documents they had in relation to a report of the alleged abuse."
4. Cheshire Constabulary refused the request under section 12(2) of FOIA.

Reasons for decision

5. This reasoning covers whether Cheshire Constabulary is entitled to rely on section 12(2) of FOIA to refuse to provide the requested information.
6. Section 12(2) provides that a public authority is not obliged to confirm or deny whether requested information is held if it estimates that to do so would incur costs in excess of the "appropriate limit" as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("the Fees Regulations").

7. In other words, if the cost of establishing whether information of the description specified in the request is held would be excessive, the public authority is not required to do so.
8. The Fees Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, effectively imposing a time limit of 18 hours for Thames Valley Police.
9. Where section 12(2) is relied upon, Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the cost it reasonably expects to incur in carrying out the following activity:
 - determining whether the information is held
10. Section 12(2) requires a public authority to estimate the cost of confirmation or denial, rather than to formulate an exact calculation. However, it must be a reasonable estimate. In accordance with the First-Tier Tribunal in the case of "Randall v Information Commissioner & Medicines and Healthcare Products Regulatory Agency EA/2007/0004", the Commissioner considers that any estimate must be "sensible, realistic and supported by cogent evidence".
11. Cheshire Constabulary explained that the relevant information relating to the complainant's request is not extractable using business reporting tools. It explained that it would need to read through every occurrence enquiry log of sexual offences where the victim was a child.
12. Cheshire Constabulary stated that there over 12,000 sexual offences where the victim was a child in the 10 year period. It explained that it would take a member of staff 5 minutes per record and significantly longer for complex cases equating to in excess of 1000 hours of work.
13. Cheshire Constabulary went on to explain that while there is a religion field it is not a mandatory field and as such would not be suitable to use to generate information in regards to religion. It confirmed that the only way to establish if the religion is recorded anywhere would be to manually review the records.
14. In the complainant's internal review she asked for Cheshire Constabulary to filter the incidents using a keyword search in the free text fields within the report (such as the crime summary and MO) for the following words/phrases: "Jehovah", "Jehovah's Witness", "Jehovah Witness" and/or "Kingdom Hall".
15. Cheshire Constabulary responded stating it would not locate all of the information held and it is highly unlikely that the that the victim's

religion would be mentioned. It stated that the MO is a basic summary of the crime and provided examples to show religion is not always recorded.

16. Based on the information provided, the Commissioner accepts that Cheshire Constabulary would need to manually review all relevant records as it has explained religion is not a mandatory recording field within the force's systems and if it was conduct other searches as the complainant suggested it would not locate all the information held.
17. The Commissioner is unable to judge whether the 5 minute estimate is excessive as Cheshire Constabulary has not completed a sampling exercise or similar. However, he accepts that in any case, the cost limit is met due to the volume of records needed to be reviewed, and the fact that a manual review is required.
18. The Commissioner is therefore satisfied that Cheshire Constabulary was entitled to rely on section 12(2) of FOIA to refuse the complainant's request.

Section 16(1) - advice and assistance

19. Section 16(1) of FOIA provides that a public authority is required to provide advice and assistance to any individual making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section, it will be taken to have complied with its obligations.
20. The Commissioner accepts that due to the nature of the request, and due to the length of time it would take to search and manually review each record, the requests could not be meaningfully refined to allow the information to be provided within the cost limit. As such, the Commissioner is satisfied that there was no breach of section 16(1) of FOIA.

Right of appeal

21. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Laura Tomkinson
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF