

15<sup>th</sup> December 2017

**Freedom of Information Request – Reference No:20172028**

**REQUEST**

***Can you please tell me the number of children under the age of 18 who have been investigated in the last two years by your force for “sexting” activities – that is sending or sharing explicit or naked pictures of themselves on social media or text messaging services to others. Please provide figures for the most recent 12-year periods available. Can you please separate the information so it is clear which is the most recent 12 months? Nov-Nov 2016-2017 and Nov-Nov 2015-2016.***

***In each case please state:***

- 1. The age of the child at the time of the offence and their gender***
- 2. The outcome, ie. no further action, police caution, charged, ongoing***
- 3. The medium used to send explicit content (for example: text message, Twitter, Facebook)***
- 4. Whether the child who sent the material was added to the sex offenders’s register.***
- 5. If possible please include the age of the recipient of the explicit material as well as the sender.***

***I am aware that you will not record specific offences under the category “sexting”.***

***I believe the most appropriate offences to search within is distributing or publishing an indecent image(s) of a child under s1 of the Protection of Children Act, 1978. It would then require a search within those offences or reported offences carried out by children to isolate those cases in which a child sent an image of themselves to another person.***

**CLARIFICATION email sent to the requestor**

***Sex offender register - in order to identify whether any of the accused offenders were added to the Sex Offenders register, it would be necessary to manually cross reference the name of each accused offender with the records held in our Public Protection Unit therefore this element of the request would exceed the 18hr time limit.***

***Medium - the only way to answer this question of your request is to search the free text of the ‘circumstances of offence’ for key words. This is obviously reliant on the inputter providing the details.***

***Would you like us to proceed with the figures along with ages, gender of victims and offenders (where available) and outcomes along with a free text search for the medium?***

*Could you also please confirm the date parameters. Are you requiring Nov –Oct for 12 years?*

2005-6  
2006-7  
2007-8  
2008-9  
2009-10  
2010-11  
2011-12  
2012-13  
2013-14  
2014-15  
2015-16  
2016-17

### **Reply from requestor**

Can you please tell me the number of children under the age of 18 who have been investigated in the last two years by your force for “sexting” activities – that is sending or sharing explicit or naked pictures of themselves on social media or text messaging services to others. Please provide figures for the most recent 12-year periods available. Can you please separate the information so it is clear which is the most recent 12 months? Nov-Nov 2016-2017 and Nov-Nov 2015-2016.

In each case please state:

1. The age of the child at the time of the offence and their gender
2. The outcome, ie. no further action, police caution, charged, ongoing
3. The medium used to send explicit content (for example: text message, Twitter, Facebook)
4. Whether the child who sent the material was added to the sex offenders’s register.
5. If possible please include the age of the recipient of the explicit material as well as the sender.

I am aware that you will not record specific offences under the category “sexting”.

I believe the most appropriate offences to search within is distributing or publishing an indecent image(s) of a child under s1 of the Protection of Children Act, 1978. It would then require a search within those offences or reported offences carried out by children to isolate those cases in which a child sent an image of themselves to another person.

### **RESPONSE**

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire 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 following exemption applies to the disclosure of the information:

**Section 12(2) – Exemption where cost of compliance exceeds appropriate limit**

I approached our Crime Management System (CMS) Analyst for assistance with your request. She conducted a search of the system using the criteria above.

She confirmed as we advised in the clarification email:

Q4 - Sex offender register - in order to identify whether any of the accused offenders were added to the Sex Offenders register, it would be necessary to manually cross reference the name of each accused offender with the records held in our Public Protection Unit therefore this element of the request would exceed the 18hr time limit.

Q3 – the only way to answer question 3 of your request is to search the free text of the ‘circumstances of offence’ for key words. In doing this she was able to identify how many times the following words were mentioned, as detailed below.

FACEBOOK - 156

WHATSAPP - 5

TWITTER – 2

However, using the circumstances of offence free text search may not accurately reflect what is potentially recorded on CMS(II).

The only way to extract any meaningful data is is again to manually check the through the circumstances of each offence.

Therefore, the above two factors result in this request far exceeding the 18 hour cost threshold.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours. . If you feel your endeavours can be achieved within the appropriate limit by refining your request, South Yorkshire Police would be more than happy to consider any further request.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

**Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, 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 neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future .**

Our Analyst extracted some data in relation to questions 1 and 2 before it was realised the the FOI would exceed the limit, which may still be of interest. Please find this on the enclosed spreadsheet.

*There is no specific offence in relation to 'Sexting' and currently, there are no markers within CMS(ii) to identify 'Sexting', however I have searched the CMS(ii) the offence - TAKE / MAKE / DISTRIBUTE INDECENT PHOTOGRAPHS OR PSEUDO PHOTOGRAPHS OF CHILDREN where a named offender (either suspect or accused) is under the age of 18, however the circumstances of the offence text would then need to be reviewed to identify if the offence is relevant to the request i.e. if the offender has taken a photo of themselves or of someone else , where the offence was recorded on CMS between 01-Nov-2015 and 31-Oct-2017.*

*Of the offence count, I have provide a breakdown of the offender's status and outcome, also the offender's gender and age at the time the offence was committed.*

*A count of offenders is expected to exceed a count of offences as more than one offender can be recorded on one offence.*