

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 10 November 2022

**Public Authority:** Chief Constable of West Midlands Police

**Address:** Lloyd House  
Colmore Circus  
Birmingham  
B4 6NQ

### Decision

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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 West Midlands Police was entitled to apply section 12(2) of FOIA and is satisfied that West Midlands Police met its obligations under section 16 to offer advice and assistance. No steps are required.

### Request and response

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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.

For the questions below, please take the phrase "involving the Jehovah's Witness organisation" to mean that the accused and / or the victim were a Jehovah's Witness.

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."
3. West Midlands Police refused the request under section 12(2) of FOIA.

### **Reasons for decision**

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4. This reasoning covers whether West Midlands Police is entitled to rely on section 12(2) of FOIA to refuse to provide the requested information.
5. 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").

6. 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.
7. 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 West Midlands Police.
8. 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.
9. 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"
10. In its submission to the Commissioner, West Midlands Police stated that religion is not a mandatory recording field within its systems for victims or offenders/suspects and this is why it would need to conduct a manual review of all relevant records that could constitute child sexual exploitation to locate and retrieve any accurate information that may be relevant to the request.
11. West Midlands Police explained that there is no recording category for `allegations of child sexual abuse and/or exploitation involving the Jehovah's Witness organisation` and therefore it is unable to search the force's recording systems for this specific information using a specific recording category.
12. West Midlands Police stated that for the time period requested, there are 2750 child sexual exploitation offences recorded where the victims are recorded as being under 18 years of age, 13234 rape offences where the victims are recorded as being under 18 years of age and 27355 sexual offences in total where the victims are recorded as being under 18 years of age.
13. West Midlands Police explained to the Commissioner that should it take approximately 2 minutes to review a record and if it was to carry out

this task just for the 2570 child sexual abuse/exploitation offences recorded it would equate to in excess of 85 hours of work, it stated that it is likely that it would take more than 2 minutes to review the records. West Midlands Police also explained that this activity would also not identify any relevant information that was held within the other rape and sexual offence records.

14. Based on the information provided, the Commissioner accepts that West Midlands Police would need to manually review all relevant records as it has explained religion is not a mandatory recording field within the force's systems for victims or offenders/suspects of CSA/E.
15. The Commissioner accepts West Midlands Police estimate to be reasonable and recognises that even if the time taken to conduct the manual review was halved it would take more than the 18 hours or £450 limit to respond to the request.
16. The Commissioner is therefore satisfied that West Midlands Police was entitled to rely on section 12(2) of FOIA to refuse the complainant's request.

### **Section 16(1) - advice and assistance**

17. 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.
18. 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

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19. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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**