

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 10 November 2022

**Public Authority:** Chief Constable of Hampshire Constabulary  
**Address:** Mottisfont Court  
Tower Street  
Winchester  
Hampshire  
SO23 8ND

### 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 Hampshire Constabulary was entitled to apply section 12(2) of FOIA and is satisfied that Hampshire Constabulary 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. Hampshire Constabulary refused the request under section 12(2) of FOIA.

## Reasons for decision

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4. This reasoning covers whether Hampshire Constabulary 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 Hampshire Constabulary.
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. Hampshire Constabulary confirmed to the complainant that it does not hold the requested information in a retrievable format. It explained that information relating to whether an individual is a member of the Jehovah's Witness community would not be routinely recorded by the force as it does not have a religion field on its crime system.
11. Hampshire Constabulary also explained that if the information requested was recorded it would only be held on the case notes, if it was deemed to be a relevant piece of information. It stated that as such, it is not possible for the force to conduct a keyword search as the facility is not available for an entire crime occurrence. Hampshire Constabulary also stated that it only has a keyword search on the case summary field and that this relates to the offence committed not an individual's religion.

12. Hampshire Constabulary confirmed that to provide any information within the scope of the request would involve a far-reaching manual review involving thousands of crime occurrences. It stated that that from April 2019 to April 2021 there were 6567 child abuse occurrences.
13. Hampshire Constabulary stated to the Commissioner that based on its extensive knowledge and use of its crime systems it would take an average of 1 hour to conduct a reasonable search of each occurrence in an attempt to locate whether the Jehovah's Witness church is mentioned and if the occurrence falls into scope. It explained that as a result of the calculation it estimates it would take 6567 hours to conduct this task.
14. The Commissioner does not accept Hampshire Constabulary's estimate of 1 hour to manually review each case to be reasonable as it has not provided details of a sampling exercise or similar to justify such a lengthy review time. However even if it took the force 1 minute to review each record it would take over 100 hours which would still exceed the cost limit.
15. The Commissioner is therefore satisfied that Hampshire Constabulary was entitled to rely on section 12(2) of FOIA to refuse the complainant's request.

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

16. 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.
17. 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 the FOIA.

## Right of appeal

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18. 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)

19. 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.
20. 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**