

21st November 2019

Freedom of Information Request – Reference No:20192538

REQUEST 1 – 31/10/2019

Please find the questions below. I ask that each question is dealt with as a separate request if possible.

- 1) How many rape-flagged crimes occurred in September 2019 in your jurisdiction?*
- 2) How many rape-flagged cases in September 2019 were subject to digital disclosures of mobile phone data in your jurisdiction?*
- 3) How many other alleged sexual offences (not rape-flagged) in September 2019 were subject to digital disclosures of mobile phone data in your jurisdiction?*
- 4) How many digital disclosures of mobile phone data for all other crime types (not rape flagged or sexual offences) took place in September 2019 in your jurisdiction?*

REQUEST 2 – 07/11/2019

- 1. How many offences recorded as rape were investigated in the month of July 2019 in your jurisdiction?*
- 2. How many digital extractions of complainant mobile phone data took place in respect of offences recorded as rape in July 2019?*

REQUEST 3 - 15/11/2019

How many digital extractions of complainant mobile phone data took place in July 2019 for all offences excluding the offence of rape.

This does not have to be broken down by individual crime type (although if you have that data in an easily retrievable format it would be appreciated if you could include it as a secondary element).

NEW - CLARIFIED AND AGGREGATED REQUEST –

- 1. How many offences recorded as rape were investigated in the month of July 2019 in your jurisdiction?*
- 2. How many digital extractions of complainant mobile phone data took place in respect of offences recorded as rape in July 2019?*
- 3. How many digital extractions of complainant mobile phone data took place in July 2019 for all offences excluding the offence of rape.*

This does not have to be broken down by individual crime type (although if you have that data in an easily retrievable format it would be appreciated if you could include it as a secondary element).

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 – Exemption where cost of compliance exceeds appropriate limit

I approached our Digital Forensic Unit for further assistance with your request. They advised the Case Management System has limited retrieval capabilities:

“We record crime type, however we don’t record whether it is a victim/witness or suspect device at any high level, only by manually going into each case and reviewing the paperwork for what has been submitted and who it belonged to?”

In essence, we would have to review and manually check all paperwork for each case to extract details that meet the criteria of your request; this process would take much longer than the time limit allowed by the FOI Act..

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.

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