

28 August 2024

FOI Ref 16625

Request - You asked us the following:

- 1a) Have you received a police report from an individual named ***** or ***** in the last 5 years? If yes, how many?
 - b) How many reports in the last 5 years have you received from said individual where ***** alleges harassment or malicious communications?
 - c) How many of these reports in the last 5 years have you received from said individual resulted in 'no further action taken'?
 - d) How many of these reports in the last 5 years have you received from said individual resulted in a charge?
 - e) Could you provide an ethnicity breakdown of those who have been charged due to malicious communications in relation to the individual named above?
 - f) Could you provide an ethnicity breakdown of those who received a NFA for allegations of malicious communications in relation to the individual named above?
-
- 2a) How many reports in the last 5 years have you received from the public which are classified as 'malicious communications'?
 - 2b) How many reports of malicious communications resulted in no further action?
 - 2c) How many reports of malicious communications resulted in a charge?
 - 2d) Could you provide an ethnicity breakdown of the perpetrators of those who have been charged due to malicious communications in the last 5 years?
 - 2e) Could you provide an ethnicity breakdown of those who received a NFA due to allegations of malicious communications in the last 5 years?

We received your request on 11/03/2024 and have processed this under the Freedom of Information Act (FOIA).

Please find below our response.

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for questions 1a to 1e of this request.

Staffordshire Police can neither confirm or deny that it holds the information you requested for questions 1a-1f as it believes that the duty under s1(1)(a) of the Freedom of Information Act 2000 (the duty to confirm whether the public authority holds information of the specified description) does not apply.

Staffordshire Police holds the following requested information.

- 1a) Have you received a police report from an individual named ***** or ***** in the last 5 years? If yes, how many? – **Neither confirm nor deny.**
- b) How many reports in the last 5 years have you received from said individual where ***** alleges harassment or malicious communications? – **Neither confirm nor deny.**
- c) How many of these reports in the last 5 years have you received from said individual resulted in 'no further action taken'? – **Neither confirm nor deny.**
- d) How many of these reports in the last 5 years have you received from said individual resulted in a charge? – **Neither confirm nor deny.**
- e) Could you provide an ethnicity breakdown of those who have been charged due to malicious communications in relation to the individual named above? – **Neither confirm nor deny.**
- f) Could you provide an ethnicity breakdown of those who received a NFA for allegations of malicious communications in relation to the individual named above? – **Neither confirm nor deny.**
- 2a) How many reports in the last 5 years have you received from the public which are classified as 'malicious communications' – **Information held.**
- 2b) How many reports of malicious communications resulted in no further action? – **Information held.**
- 2c) How many reports of malicious communications resulted in a charge? – **Information held.**
- 2d) Could you provide an ethnicity breakdown of the perpetrators of those who have been charged due to malicious communications in the last 5 years? – **Information held.**
- 2e) Could you provide an ethnicity breakdown of those who received a NFA due to allegations of malicious communications in the last 5 years? – **Information held.**

Staffordshire Police discloses/withholds the following information.

- 2a) How many reports in the last 5 years have you received from the public which are classified as 'malicious communications' – **Partially disclosed, please see the accompanying file titled 'FOI 16625 Malicious Communication Resulting in Charges data.CSV'**
- 2b) How many reports of malicious communications resulted in no further action? – **Partially disclosed, please see the accompanying file titled 'FOI 16625 Malicious Communication Resulting in Charges data.CSV'**



- 2c) How many reports of malicious communications resulted in a charge? – **Partially disclosed, please see the accompanying file titled 'FOI 16625 Malicious Communication Resulting in Charges data.CSV'**
- 2d) Could you provide an ethnicity breakdown of the perpetrators of those who have been charged due to malicious communications in the last 5 years? – **Partially disclosed, please see the accompanying file titled 'FOI 16625 Malicious Communication Resulting in Charges data.CSV'**
- 2e) Could you provide an ethnicity breakdown of those who received a NFA due to allegations of malicious communications in the last 5 years? – **Partially disclosed, please see the accompanying file titled 'FOI 16625 Malicious Communication Resulting in Charges data.CSV'**

Please note that this data has been provided to the best of our ability, subject to the limitation of current recording protocols and systems/software. Additional offences may have been recorded during these timescales but are awaiting finalisation and input onto these systems and would not be present within this dataset.

Every effort is made to ensure that the data presented are accurate and complete. However, it is important to note that this has been extracted from multiple sources, developed for specific policing purposes, for which data extraction methods have not been specifically designed to directly correlate with the terminology of this request. Therefore, the data presented is subject to the inaccuracies and idiosyncrasies inherent in any large-scale recording system.

As a consequence, care should be taken in the interpretation and presentation of this data, so as to not misrepresent the whole or any part of the data disclosed.

The above information has been withheld for the following reasons:

Several matters within the dataset provided currently remain ongoing at this time. Disclosure of further details relating to these occurrences at this time would prejudice police activities both for ongoing and future investigations, and would be likely to cause significant harm to the law enforcement function of Staffordshire Police and the administration of justice.

To release personal or third-party information which may or may not be held by Staffordshire Police would breach the data protection principles, namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.



The following exemptions have been applied:

- Section 30(1)(a)(b) – Criminal Investigations

Section 30 is qualified and prejudice-based and, as such, we are required to evidence the harm in disclosure and apply the public interest test.

- Section 40 (5) – Personal Information

Section 40(5) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

Public Interest Test

Factors favouring disclosure under Section 30(1)(a)(b)

Disclosure of the information would improve the public's knowledge and understanding of the investigatory process and, as all police investigations are publicly funded, would show how public funds are being spent.

Factors favouring non-disclosure under Section 30(1)(a)(b)

Disclosure of the requested information would prejudice how investigations are carried out in the future. Staffordshire Police is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Any release of information relating to ongoing investigations could prejudice and undermine those investigations. The prevention and detection of such matters could therefore be hindered and therefore risk interference with evidence, which could have detrimental impact on future investigations. In addition, the right to a fair trial could be undermined.

Balance test

Disclosure under the Freedom of Information Act is a release of information to the world in general and not an individual applicant. Having considered the public interest factors we are required to determine whether on balance the factors favouring disclosure outweigh those which are against disclosure. It is our view that the factors favouring disclosure do not outweigh those which favour non-disclosure.

Advice and assistance

Section 16 of the Act places an obligation upon the Authority to provide advice and assistance, in order to comply with this obligation please see below.

An individual can access personal information which Staffordshire Police may hold, by making an application under the Right of Access (formerly known as Subject Access) provision of the Data Protection Act 2018.



STAFFORDSHIRE
POLICE

<https://www.staffordshire.police.uk/rqo/request/ri/request-information/ir/ask-for-delete-change-information/>

Next steps

You can ask us to review our response.

If you would like us to carry out a review of our response, please let us know within two months of the date of receipt of this email, review requests should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit