

31 October 2025

FOI Ref 21924

Request - You asked us the following:

This is a request for information under section 1(1) of the Freedom of Information Act 2000 ("FoIA") relating to non-crime hate incident ("NCHI") records recorded by the Staffordshire Police:

We set out a series of general questions in the first section, and then ask some specific questions in relation to three different time periods in the next three sections.

General questions on NCHI records

1. Please provide information on the total number of NCHIs currently (as at the date of this request) recorded by the Staffordshire Police.
2. Please provide information on the total number of NCHI recorded by the Staffordshire Police since the introduction of the 2014 Hate Crime Operational Guidance published by the College of Policing (the "HCOG").
3. Please provide a description of the database(s) on which NCHIs are first recorded and any database(s) to which they are (or may be) transferred. (Please provide further information if these databases have changed at any point since 2014.)
4. Please provide details (including copies where possible) of any policies and procedures relating to the steps the Staffordshire Police takes to remove NCHI data upon the expiration of any relevant data retention periods (for example, upon the expiration of a six-year limitation period).
5. Please provide copies of any internal guidance or policy documents relating to the application of:
 - (a) The National Standard for Incident Recording published by the Home Office in 2011;
 - (b) The HCOG; and/or
 - (c) The Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data published by the College of Policing in 2023 (the "2023 Guidance").
6. Please also provide any other guidance or internal policy documents used by police officers in relation to the NCHI recording or review process.

Period 1: from implementation of the 2014 HCOG until the Court of Appeal decision in R (Miller) v College of Policing [2021] EWCA Civ 1926, handed down on 20 December 2021

7. Please state the total number of NCHIs recorded between the introduction of the HCOG and 20 December 2021.

8. Please state the total number of persons who have had NCHIs recorded against them between the introduction of the HCOG and 20 December 2021.

9. Please state the total number of NCHIs recorded before 20 December 2021:

(a) Where the NCHI data has not been recorded as having been reviewed or been otherwise removed.

(b) Where the NCHI data was deleted, without substantive review, because a relevant data retention period elapsed.

(c) Where the NCHI data has been recorded as having been reviewed and then deleted.

(d) Where the NCHI data has been recorded as having been reviewed, and then retained but under a different categorisation (i.e. no longer as an NCHI).

(e) Where the NCHI data has been both recorded as having been reviewed and then retained.

10. Please state the total number of different persons against whom an NCHI was recorded in each of categories (a) to (e) of question 9 above. If no individual has more than one NCHI recorded against them in any of the above categories, please say so.

Period 2: from the day after the Court of Appeal decision in Miller (i.e. 21 December 2021) until the publication of the 2023 Guidance on 3 June 2023

11. Please state the total number of NCHIs recorded between 21 December 2021 and 3 June 2023.

12. Please state the total number of persons who have had NCHIs recorded against them between 21 December 2021 and 3 June 2023.

13. Please state the total number of NCHIs recorded between 21 December 2021 and 3 June 2023:

(a) Where the NCHI data has not been recorded as having been reviewed or been otherwise removed.

(b) Where the NCHI data was deleted, without substantive review, because a relevant data retention period elapsed.

(c) Where the NCHI data has been recorded as having been reviewed and then deleted.

(d) Where the NCHI data has been recorded as having been reviewed, and then retained but under a different categorisation (i.e. no longer as an NCHI).

(e) Where the NCHI data has been both recorded as having been reviewed and then retained.

14. Please state the total number of different persons against whom an NCHI was recorded in each of categories (a) to (e) of question 13 above. If no individual has more than one NCHI recorded against them in any of the above categories, please say so.

Period 3: since the publication of the 2023 Guidance on 3 June 2023

15. Please state the total number of NCHIs recorded during this period.

16. Please state the date when the Staffordshire Police implemented the Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data (the “2023 Guidance”).

17. Please state the total number of persons who have had NCHIs recorded against them between 4 June 2023 and the date of implementation of the 2023 Guidance by the Staffordshire Police.

18. Please state the total number of NCHIs recorded between 4 June 2023 and the date of implementation of the 2023 Guidance by the Staffordshire Police:

(a) Where the NCHI data has not been recorded as having been reviewed or been otherwise removed.

(b) Where the NCHI data was deleted, without substantive review, because a relevant data retention period elapsed.

(c) Where the NCHI data has been recorded as having been reviewed and then deleted.

(d) Where the NCHI data has been recorded as having been reviewed, and then retained but under a different categorisation (i.e. no longer as an NCHI).

(e) Where the NCHI data has been both recorded as having been reviewed and then retained.

19. Please state the total number of different persons against whom an NCHI was recorded in each of categories (a) to (e) of question 18 above. If no individual has more than one NCHI recorded against them in any of the above categories, please say so.

20. Please state the total number of different persons against whom an NCHI has been recorded after the implementation of the 2023 Guidance by the Staffordshire Police.

Clarification received on 27/10/2025:

We are happy for you to use 1st January 2014 to present day (inclusive) as the date range pertaining to Q1 and 1st January 2014 to 20th December 2021 (inclusive) as the date range for question 9.

We received your request on 06/10/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police’s response to your enquiry is as follows:

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

The following exemption has been applied:

- Section 12(1) where the cost of compliance exceeds the appropriate limit.
Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the prescribed limit’.

The above information has been withheld for the following reasons:

There is no method by which we can readily retrieve information from our systems to answer this request. For questions 9 and 10, there have been in excess of 690 occurrences. In order to determine review, removal, deletion and retention data the record for each occurrence would require manual review. To extract this data would therefore require a very labour-intensive manual trawl through each record.

From dip sampling, it has been estimated that it would take approximately 5 minutes to review each record to answer this request, this would equate to over 57 hours. To achieve this task would therefore exceed the 18-hour time and cost threshold of the Freedom of Information Act by some considerable margin.

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.

If your request was amended, Staffordshire Police would be able to provide a response to the following:

1. Please provide information on the total number of NCHIs currently (as at the date of this request) recorded by the Staffordshire Police (01/01/2014 – 06/10/2025).
2. Please provide copies of any internal guidance or policy documents relating to the application of:
(a) The National Standard for Incident Recording published by the Home Office in 2011.

Period 1: from implementation of the 2014 HCOG until the Court of Appeal decision in R (Miller) v College of Policing [2021] EWCA Civ 1926, handed down on 20 December 2021

3. Please state the total number of NCHIs recorded between the introduction of the HCOG and 20 December 2021.
4. Please state the total number of persons who have had NCHIs recorded against them between the introduction of the HCOG and 20 December 2021.

Period 2: from the day after the Court of Appeal decision in Miller (i.e. 21 December 2021) until the publication of the 2023 Guidance on 3 June 2023

5. Please state the total number of NCHIs recorded between 21 December 2021 and 3 June 2023.
6. Please state the total number of persons who have had NCHIs recorded against them between 21 December 2021 and 3 June 2023.

Period 3: since the publication of the 2023 Guidance on 3 June 2023

7. Please state the total number of NCHIs recorded during this period.
8. Please state the date when the Staffordshire Police implemented the Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data (the "2023 Guidance").

Please note that the remaining questions not included within the refinement are not held by Staffordshire Police and therefore we are unable to provide a response. Please note that the Freedom of Information Act 2000 only extends to requests for recorded information. It does not require public authorities to create information to answer questions generally; only if the information is already held in recorded form.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

IAT@staffordshire.police.uk

Or by Post to:

Information Access Team
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Information Access Team within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by a Supervisor who is independent from the original Decision Maker. The Information Access Team will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Supervisor will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Supervisor will reply to the appellant with the result of the review. If the appellant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>



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Freedom of Information
Information Access Team

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