



Our Ref: 0136.2020-21
Date: 11th June 2020

Civil Disclosure
Joint Corporate Legal Services

Dear Applicant,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 0136.2020-21

I write in connection with your request for information which was received by North Yorkshire Police on 01st June 2020. I note you seek access to the following information:

Please can you provide figures on the number of cases of revenge porn reported to the force in the year 2019/20.

Please can you also disaggregate data according to the following information:

- The crime outcome (no action, charge, caution etc.) of the offences as well as the number of offences where the victim did not support or withdrew support for police action*
- The number of victims under the age of 18*
- The gender of the victim*

Please also provide, where possible, cases in which the case involved social media. I understand this isn't routinely logged, so please just include notes from free-text searches for key words ("social media", "Twitter", "Facebook" etc.) where available.

Extent and Result of Searches to Locate Information

To locate the information relevant to your request searches were conducted within North Yorkshire Police.

I can confirm that the information you have requested is held by North Yorkshire Police.

Decision

I have today decided to disclose the located information to you.

1) There have been **84** cases of Disclose private sexual photograph and films with intent to cause distress for the period of 01.04.2019 – 31.03.2020.

2) The below table displays the outcomes of the crimes for the period of 01.04.2019 – 31.03.2020.

Outcome	2019/2020
01-Charged/Summoned	1
03-Caution – adults	1
08-Community Resolution	2
10-Not in public interest (Police)	5
14-Evidential difficulties victim based – suspect not identified	2
15-Evidential difficulties prevent further action; victim supports police action	7
16-Evidential difficulties prevent further action; victim does not support police action	11
18-Investigation complete - no suspect identified	1
Ongoing / Awaiting update	54
Total:	84

3) During 01.04.2019 – 31.03.2020 there were **8** victims under the age of 18.

4) During 01.04.2019 – 31.03.2020 there were **66 female victims** and **18 male victims**.

5) A free text search of these MO's were undertaken to see which referred to social media. The below figures show the social media platforms mentioned. Please note one crime may have had multiple social media outlets involved. Furthermore be aware these only take into account interpretation of "social media sites" and there may be other online community's not included as "social media" where someone else would. These cases are in relation to images / videos being shared on social media platforms without the originators consent.

- **Facebook – 16**
- **Twitter – 2**
- **Snapchat – 7**
- **Instagram – 4**
- **Flickr – 1**
- **"Social Media" Non-specific mentioned – 10**

Due to the sensitive nature of the offence, I am exempting providing you with any further details pursuant to Section 40(2) Freedom of Information Act (the Act). This is to ensure anonymity for those involved in each case.

Where an individual can be identified by such data, releasing it would clearly breach the first data protection principle of being 'fair' to the data subject. - **Please see exemption explanation below.**

Exemption Explanation

Section 17 of the Act requires North 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.

Section 40 (2) – Personal Information

Section 40(2) is an absolute class based exemption, which does not require a public interest test, but requires the balancing of the legitimate interests of the public against the interests of the individual under the first Data Protection Principle; in that processing of personal data must be lawful and fair (DPA 2018 35(1), EUGDPR Article 5(1)).

This exemption applies because the right given under the FOI Act to request official information held by public authorities does not apply to the personal data of third parties where disclosure of that information would not be fair to the individual, and where there is no legitimate public interest in disclosure.

In all the circumstances of the case it has been determined that the duty to the individual under the Data Protection Act 2018 & EU General Data Protection Regulations, and the public interest in maintaining the exemption from disclosure of personal information held by the force in such instances, outweighs the public interest in disclosure. In this instance, personal information can only be disclosed to the individual concerned.

Releasing personal details to a person other than the data subject would not only breach the data subject's Data Protection rights it may also breach the obligations placed on an authority under the European Convention on Human Rights

Pursuant to Section 17(1) of the Act this letter acts as a refusal notice under the Freedom of Information Act 2000 in relation to your request.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Complaint Rights

Your attention is drawn to the attached sheet which details your right of complaint.

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Chris Buckton
Legal Officer (Civil Disclosure)
Joint Corporate Legal Services

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to request that North Yorkshire Police review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

In all possible circumstances North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with North Yorkshire Police if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk> Alternatively, phone: 0303 123 1113 or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF