

[REDACTED]
[REDACTED]

FOI 115/18-19
3 May 2018

Dear [REDACTED]

I refer to your email dated 20 April 2018 in which you asked for information regarding how many prosecutions the PPS has brought for causing “gross offence” under Section 1 of the Malicious Communications Act 1988 and Section 127 of the Communications Act 2003.

This request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked the following:

“Information regarding how many prosecutions the PPS has brought for causing “gross offence” under Section 1 of the Malicious Communications Act 1988 and Section 127 of the Communications Act 2003”.

In response please see attached Table 1 detailing decisions issued for offences under the Communications Act 2003. Please note there have been no decisions under Section 1 of the Malicious Communications Act 1988, and accordingly these offences have not been included in Table 2, ‘Offences Considered’.

Also please note that information is only available from January 2010 due the introduction of a new Case Management System (CMS).

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. You should do this as soon as possible or in any case within two months of the date of this response and you can do so by writing to the Head of Policy and Information Unit, Public Prosecution Service, Belfast Chambers, 93

Chichester Street, BELFAST, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state clearly the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

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

Yours Sincerely,

PPS FOI Section

Table 1**Decisions Issued for Selected Communications Act Offences between 01/01/2010 and 22/04/2018***Based on Decision Issued Date (Most serious decision)*

	No of Decisions (Suspects)				
	Indictable Prosecution	Summary Prosecution	Diversion	No Prosecution	Total
2010		95	25	71	191
2011		84	17	45	146
2012	1	141	34	79	255
2013	1	167	33	85	286
2014		178	46	130	354
2015		202	46	145	393
2016		198	60	176	434
2017		220	33	158	411
2018 (up to 22 April)		93	15	73	181
Total	2	1,378	309	962	2,651

Table 2**Offences Considered**

Complaint Offence Code	Complaint Offence Description	Complaint Offence Legislation
4405217SB	Sending Menacing Messages Through a Public Communications Network.	Section 127(1) of the Communications Act 2003
4405218SB	Sending Malicious Messages	Section 127(2) Communications Act 2003
5002069SB	Improper Use Of Public Electronic Communications Network	Section 127(1)(a) of The Communications Act 2003
500206SB	Improper use of Public Electronic Communications Network	Section 127(1)(a) The Communications Act 2003
5002070SB	Improper use of Public Electronic Communications Network	Section 127 (2)(a) of the Communications Act 2003
5002071SB	Causing Improper Use Of Public Electronic Communications Network	Section 127(1)(b) of the Communications Act 2003
5002072SB	Causing Improper Use of Public Electronic Communications to Cause Anxiety	Section 127(2)(b) of the Communications Act 2003
5002073SB	Persistent Improper Use of Electronic Communications to Cause Anxiety	Section 127(2)(c) of the Communications Act 2003

Note

Indictable prosecutions refers to prosecutions in the Crown Court.

Summary prosecutions refer to prosecutions in the Magistrates Court.

Diversion includes caution, informed warning and youth conference.