



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F 2010 00925

Keyword: Crime

Subject: PROCEED OF CRIME ACT

Request and Answer:

Request

This is a request under the Freedom of Information Act.

1. Could you please supply me with the all information held in relation to the Proceeds of Crime Act 2002. I would like to know/be supplied with, for the past three years; 2007, 2008, 2009 (financial or calendar years, depending on how the information is held, and excluding cases that are still ongoing or being investigated) :
2. A summary of assets seized by the Police Service of Northern Ireland (PSNI).
3. The total value (estimation by the Police Service of Northern Ireland or other estimator) of assets seized by the Police Service of Northern Ireland.
4. The total amount raised by the Police Service of Northern Ireland in the sale of seized assets in relation to the above.
5. Please include copies of material which you hold in the form of paper of electronic records including emails.

This is necessarily a wide remit, so you should include all material that you think may be identified by my request rather than applying any narrower interpretation.

I am not seeking to identify any individual in relation to any information that is provided and I am happy for any personal identifiers to be removed. This should be a simple task to accomplish as the information is held in digital format.

I would be grateful if you would supply this information in the most accessible format you have, so that the information is passed onto me, without the need of the request being denied due to overspending on man hours.

I understand that under the act, I should be entitled to a response within 20 working days. Your reply should be directed to the email address provided and should be in any standard digital format. I

would be grateful if you could confirm that you have received this request. I look forward to hearing from you in the near future.

Answer to questions 1, 2 and 5.

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

In order to answer your request for all documents relating to this subject would involve locating and retrieving 305 cases worth of information. Each case would be vast and would in itself be over the cost limit. It is therefore estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice in relation to questions 1,2 and 5 and the request has therefore been closed.

Section 16 Duty to provide Advice and Assistance

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

Although excess cost removes the service's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved before it was realised that the fees limit would be exceeded. I trust this will be helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Answer to questions 3 and 4.

This information is provided by calendar year.

	Cash Forfeitures		Confiscation Orders		Total
	Cases	Amount	Cases	Amount	
2007	54	£361,072.82	7	£984,709.74	£1,345,782.56
2008	111	£712,534.67	21	£1,969,851.07	£2,682,385.74
2009	95	£693,787.10	17	£535,424.34	£1,229,211.44

Assets (such as dwelling houses and private motor cars) may well be sold by individuals or on their behalf to raise money to meet the value of confiscation orders but the enforcement of the orders are not handled by PSNI and the Court Services would be better placed to explain this process.

Under Section 17 (1) the Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds any further information relevant to your request as the duty in Section 1(1)(a) of the FOI Act 2000 does not apply by virtue of the following exemption:

Section 23 (5) Information supplied by, or concerning, certain Security Bodies.

As Section 23(5) is an absolute exemption it does not require a public interest test to be conducted in order for this information to be exempt from disclosure.

To give a statement of the reasons why this exemption applies would involve the disclosure of information which would itself be exempt. Therefore, under section 17(4) of the Act, we are not obliged to give such a statement.

If you have any queries regarding your request or the decision please do not hesitate to contact 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.