



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-03143

Keyword: Road Policing

Subject: Notices of Intended Prosecution

Request and Answer:

Question 1

How many instances / claims of Non Receipt of a Notice of Intended Prosecution (NIP) (or initial Sec 172 request if incorporated with the NIP) by 1st Class Post has your force / Safer Camera Partnership received in the last recorded 12 months?

Question 2

How many reminders have you had to issue, due to apparent non-compliance with an initial Sec 172 request – which it is understood is normally incorporated with the sending out of a NIP (again within the same 12 month period)?

Question 3

On the presumption that there are indeed instances of non-receipt via 1st Class Post, do you as a force see this as an acceptable risk with using 1st Class post - than reverting back to using recorded / registered post by which 'the notice would be deemed to have been served, even if in fact it was not, provided it was sent by registered post or recorded delivery addressed to the last known address'?

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), 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.

It is 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 (18 hours).

Records on the number of reminder NIPs issued are not routinely collated within the PSNI. To provide a response to question 2 of your request would require a manual trawl of all Safety Camera detections where multiple NIPs were sent in order to determine the exact reason for the re-issue. This would involve checking up to 60,000 records per annum and would greatly exceed the cost threshold.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

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'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. Unfortunately the nature and structure of the information requested makes this impossible.

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 PSNI's obligations under the Freedom of Information Act, I can inform you that the PSNI do not keep a record of claims of non-receipt of NIPs. Police usually become aware of a claim of non-receipt at court when the defendant raises it as part of their defence.

Question 3 of your request is seeking a member of the Service to express an opinion regarding whether issuing NIPs using 1st Class post is an acceptable risk, and as such this is not a valid request for recorded information held by the Police Service of Northern Ireland. However, I can advise you that, at this point, the PSNI have no plans to re-introduce recorded or registered delivery for service of NIPs.

If you have any queries regarding your request or this decision please do not hesitate to contact me on 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.psnipolice.uk

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