



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02274

**Keyword:** Crime

**Subject:** RIPA Communications Data

### Request and Answer:

I am writing to obtain information about this police force's use of the Regulation of Investigatory Powers Act (RIPA) and Regulation of Investigatory Powers Scotland Act (RIPSA). In particular I wish to obtain details of the requests for communications data authorized under RIPA and RIPSA in the past five years.

### Question 1

How many times has your police force requested communications data under the RIPA and RIPSA legislation in the periods:

- a) 30th April 2009 – 1st May 2010?
- b.) 30th April 2010 – 1st May 2011?
- c.) 30th April 2011 -1st May 2012?

In each instance, please state the nature of the offence under investigation (e.g. fraud, theft etc.) and the authority from which you requested the data (e.g. Internet Service Provider, Telecommunications company).

Please also provide details of how many resulted in prosecutions and convictions.

### Question 2

How many requests for communications data were rejected internally.

### Answer

In relation to question 1 the Police Service of Northern Ireland (PSNI) does not hold "the nature of offence under investigation" in a central location. Therefore 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. Please note when one part of a request exceeds the cost and Section 12 is relevant the whole request exceeds cost.

Section 17(5) of the Freedom of Information Act 2000 requires the 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.

By way of explanation this would involve looking at each application for communications data under RIPA and asking each police officer what was the offence under investigation. For 2010 alone there were 3556 applications which would have to be researched and this would clearly be labour intensive and in excess of the 18 hour limit.

In accordance therefore 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.

#### Section 16 – Duty to provide advice and assistance

PSNI would advise you that if you refined your request to question 1 a, b, and c, it would be below the £450 cost 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.

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](mailto: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](http://www.psni.police.uk)

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