



FREEDOM OF INFORMATION REQUEST



Request Number: F-2015-00381

Keyword: Organisational Information/Governance

Subject: Pre-Action Protocol Letters

Request and Answer:

Question

I herein request, under the Freedom of Information Act, the following information:

1. How many pre-action protocol (PAP) letters, relating to Judicial Review, did the PSNI receive in 2014?
2. How many of these PAP letters were replied to in accordance with the 14 day time limit?
3. How many of these PAP letters were replied to as per the pre-action protocol?
4. How many of these PAP letters did the PSNI not reply to/ have still not replied to?
5. How many of these PAP letters were replied to with holding letters only?

Answer

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.

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.

We can advise that records for the period 01/01/2014 to 31/10/2014 show that Legal Services Branch received 66 Pre-Action Protocol (PAP) letters. However, the information requested in questions 2 – 5 is not held centrally and in order to collate the requested detail each file would have to be manually reviewed. Based on an estimate of 30 minutes per file, including the records for November and December, it is therefore estimated that to answer the request fully would take in excess of 33 hours.

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. In order to bring your request under cost you may wish to reduce the requested time period or remove a number of the questions from any future request.

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.

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.