

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2015-00636

Keyword: Road Policing

Subject: Penalties for Using a Hand Held Mobile Device Whilst Driving

Request and Answer:

Question

I am writing to you under the Freedom of Information Act 2000 to request the following; information on penalties issued during 2014 for any driver caught whilst on a phone. This should be for CARS only, not including HGVs, motorcycles, pedal bikes etc. AKA 'CATEGORY B' licence holders.

Please provide the information in the form of an Excel document and include each area in your jurisdiction, along with total of penalties broken down by month.

If it is not possible to provide the information requested due to the Information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under your Section 16 obligations, as to how I can refine my request to be included in the scope of the Act.

In any case, if you can identify ways that my request could be refined please provide further advice and assistance to indicate this.

I look forward to your response within 20 working days, as stipulated by the Act.

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 or 18 hours.

Makes and models of vehicles are recorded for this type of offence but not vehicle type. It would therefore require a manual trawl through each make and model to determine if the vehicle involved was a car. Approximately 5,000 Fixed Penalty Notices are issued per year for using a mobile phone whilst driving. Allowing a conservative 5 minutes to locate and examine each of the 5,000 records would take 416 hours, hugely exceeding the time permitted under the Act.

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. As you are interested in information relating to only cars I am unable to suggest a suitable refinement. The information may be available for any motor vehicle.

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.