



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00734

Keyword: Crime

Subject: Applications to Remove Indefinite Notification Requirements

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however 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.

Request 1

Can you tell me how many applications to remove indefinite notification requirements of a sex offender this force has received from 01/09/2012 to 20/03/2018 (both dates inclusive)? Please can you break this down into the following periods:

2012 (01/09/12 - 31/12/12)

2013 calendar year

2014 calendar year

2015 calendar year

2016 calendar year

2017 calendar year

2018 (01/01/18 - 23/3/18)

Request 2

How many of these applications were approved? Please could you break this information down into calendar years?

Request 3

How many of the approved applications were from women sex offenders?

Request 4

In the case of each approved application, please indicate the offence that the offender committed.

Request 5

Out of the approved applications, please can you specify the number of cases that involved a victim under the age of 16?

Request 6

Has any offender who successfully applied for indefinite notification requirements to be removed, to

your knowledge subsequently gone on to be convicted of a sexual offence?

Request 7

Where an offender has received a subsequent conviction, please can you specify:

- The offence that the offender was originally given indefinite notification requirements for.
- The nature of the subsequent offence that they were convicted of.

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. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

Enquiries made in relation to your request has identified that retrieval of information would exceed the 18 hour cost limit set by the Secretary of State under the Freedom of Information Act. Public Protection Unit (PPU) has advised that due to the number of applications, to answer Requests 4, 5, 6 & 7 would require the interrogation of NICHE Records Management System and CRV (Criminal Records) systems, along with further interrogation of the Public Protection Arrangements Northern Ireland (PPANI) records.

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. Subject to any relevant exemptions, it may be possible to retrieve information in response to Requests 1, 2 & 3 within the 18 hour time 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.

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.