



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02824

Keyword: Crime

Subject: Arrests for Hate Crime Offences

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

I wish to know details of all people who have been arrested for hate crime offences over the past five years. Providing the following by each financial year (2013-14, 14-15, 15-16, 16-17, 17-18) can you list first :

- the arrested person's age
- then their gender
- the type of hate crime (race, religion, disability etc.)
- whether they were charged
- and, only if this is possible, any details you have available on the crime itself; whether online/in person, verbal / physical etc.

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').

Initial 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 FOI Act. Central Statistics Branch has confirmed there is no specific 'hate crime' offence within Northern Ireland; therefore it is not possible to search the custody data for arrests based on offence codes.

If the search was to be conducted on the basis of the hate motivations attached to recorded incidents and crimes, the retrieval process would require each such record to be manually examined to establish if a person was arrested and if the arrest was related to the 'hate' element of the incident/crime. It is estimated this process would involve the examination of more than 14,000 records for the period 2013/14 to 2017/18 and potentially take 2,333 hours. This estimate would be further increased to retrieve details of age, gender etc, further exceeding the appropriate cost limit.

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, as a manual trawl of records would be required for retrieval of any relevant information, it is not possible to offer any refinement to assist request.**

Submission of a refined request would be treated as a new request, and considered in accordance 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.