



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01996

Keyword: Crime

Subject: Possession of Bladed Article 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

Please provide the recorded number of possession of a bladed article offences that have taken place where the location is a school/educational facility and where the person suspected of the offence was a child (under the age of 16) for the calendar years: 2012 – 2017.

Request 2

Please break down point 1 by each child’s age.

Request 3

Time permitting; please provide a breakdown of the outcomes of the investigations in point 1 (including number of charges/cautions etc.)

If you can provide any further breakdown about the offences - i.e. the type of bladed article or any other information - then please do include this.

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 in relation to your request has identified that retrieval of the information would exceed the 18 hour cost limit, set by the Secretary of State under the FOI Act.

In relation to Request 1, PSNI, Central Statistics Branch have confirmed that due to the number of FOI requests in relation to incidents/crimes occurring at schools, they have compiled a list of incidents where the location is a school (based on a combination of mo (modus operandi) location and address details/premises name etc). However, the recorded offence may not be in connection to the school, as it may have occurred on school premises, outside of school hours and those involved in the offence may not have any connection to the school.

There is a specific offence of 'Possessing article with blade or point on school premises' and another possession of weapon offence specific to schools 'Possessing offensive weapon on school premises'. However, when linked with the associated weapon mo information from the incident, weapon information is not recorded for all incidents. Therefore, the offence specific to blade/knife would not capture all possession of weapon offences which involved a knife/sharp instrument. Also, to identify the age of the person suspected of the offence would require each incident to be manually read through as the recorded crime data series is victim based and the suspect information is not held in the data series. This retrieval process would exceed the 18 hour cost limit.

In summary, to update the existing database with the data for the requested time-frame would take approximately 6 hours. In addition, to identify if the person in possession of the weapon was aged 16 and under for the time-frame 1 Jan 2012 - 31 Oct 2017 would require each record to be manually reviewed and this process would take approximately an additional 15 hours, equating to approximately 21 hours exceeding the 18 hour cost limit. This estimate would be further increased to retrieve information in relation to the remaining questions in your request.

Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part of the request.

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, Central Statistics Branch has confirmed they can retrieve the specific offence of 'Possessing article with blade or point on school premises' and the outcome that has since been recorded for these offences, within the appropriate cost limit.

However, this may include records where the suspect is aged over 16 and may not include all

'Possession of article with blade or point on school premises' as the offence may be recorded as 'Possessing offensive weapon on school premises' or a more general possession of weapon offence.

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.