



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02960

Keyword: Crime

Subject: Garden Buildings Reported as Being Broken Into

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

I am writing to request data for the number of garden buildings (including sheds, log cabins, outbuildings and any other form of garden buildings) which have been reported as being broken into in your constituency over the past five years (2014, 2015, 2016, 2017 and 2018 to date) as well as what items were stolen from the garden buildings (if this information is available).

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 FOI Act. A check of the MO (Modus operandi) location information on NICHE indicates that a picklist option under MO location subtype for 'shed (garden shed)' was created and first used in February 2018. There were 14 crimes of burglary or robbery with the MO of 'shed (garden shed)' between February and December 2018. However this does not provide a full calendar year for 2018. An MO location specific picklist option for shed has been in place for the whole time period requested. However even when the criteria is narrowed to crimes of burglary or robbery with an MO location of 'dwelling' and MO location specific of 'shed', the numbers of records retrieved are far in excess of the numbers for garden shed (for example more than 300 such records identified for 2017). This would suggest that each burglary or robbery with MO location details indicating dwelling & shed would need to be manually examined to see if a garden shed was broken into. To do so would be over cost, with more than 1,700 records between 2014 and 2017 – around 284 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. Unfortunately I am unable to offer you any refinement. However, please note, in relation to property stolen from garden sheds - any stolen property is linked to the whole incident. If a house and garden shed are both broken into and property stolen, it would not be possible to identify which property was stolen from the house and which from the garden shed - the data is not held in such a way that would allow this to be done.

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.