



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02956

Keyword: Crime

Subject: Identity Fraud From 2016 - 2018

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

Total breakdown of the number of reported incidents of Identity Theft/Fraud reported to your force in the last three calendar years, broken down by year.

- Total number of reported incidents for 2018, 2017 and 2016
- Relevant police notes (MO notes) describing the incident

Answers

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').

PSNI Statistics Branch have provided some background and advice regarding your request for example the use of another person's identification details (or the use of false identification details), often referred to as identity theft, **is not in itself an offence in law**. It is the action that is undertaken, using those identification details, that needs to be considered in respect of whether an offence has occurred. Most instances of 'Identity Theft' come to light when victim's details are used to obtain goods, services or money using credit arrangements or loans. Instances of this should be considered under the relevant NFIB recorded crime. Where bank, credit card, or store card accounts are opened using identities to which the individuals are not entitled, and then used to commit fraud, then an offence of NFIB5A Fraud by False Representation Cheque, Plastic Card and Online Bank Accounts (NOT eBay or PayPal) should be recorded.

From 1 April 2015 Action Fraud became responsible for the central recording of fraud and cyber-crime previously recorded by PSNI; Action Fraud became responsible for all such reports in England & Wales by 1 April 2014. Action Fraud is the UK's National Reporting Centre for fraud and cyber-crime reported directly to them from the public and other organisations. While this means that these fraud and cyber offences **are no longer recorded by PSNI**, Action Fraud figures relating to fraud and cyber-crime occurring in Northern Ireland are provided to PSNI on a monthly basis. However the monthly figures provided to Statistics Branch are **summary tables only**. Therefore it would require a manual trawl of individual records to establish if identify theft is involved, and it is not possible for Statistics Branch to provide information as requested. Whilst Action Fraud is still responsible for the central recording of fraud, PSNI since April 2018 have also been recording fraud. The records held for the identification of NFIB5A offences relating to Identify Theft for the period April to December 2018 (only) indicates more than a total of 3,000 offences of fraud by false representation. Therefore it would require a manual review of each record and allowing a conservative estimate of 500 hours takes this request grossly over the FOI legislative cost of 18 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 and it may be possible to provide for the total of records for the offence code **61A Possession of false documents** which are the offences recorded within this classification for the time period requested and relate to possession of false or improperly obtained identify documents. For the offence code **33A Making, Supplying or Possessing Articles for Use in Fraud**, which refers to the offences recorded within this classification (making or supplying articles for use in frauds, possession etc. of articles for use in frauds) and are not specific to Identity Theft and each record would need to be examined to see if this aspect was relevant. 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.

To assist further with your request the opening of a bank or other account using other peoples' identities without permission or false details is unlikely to be a crime of fraud per se, and should only be recorded if there is an offence of fraud committed on the account or evidence that fraud was the purpose for the creation of the account. Any usage on the account will be dealt with under the reporting guidance General Principles detailed in NFIB5A Fraud by False Representation Cheque, Plastic Card and Online Bank Accounts (NOT eBay or Pay Pal) Classification (1 of 2).

Where people are found in possession of any identity document or items containing identity details, with intent to commit fraud then an offence under 33A Making, Supplying or Possessing Articles for Use in Fraud should be considered.

However if there is no intent to commit fraud and there is evidence that an account has been created using a false, stolen or improperly obtained identity document contained within the Identity Documents Act 2010 then an offence under class 61A possession of False documents should be considered.

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.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.