



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00324

Keyword: Crime

Subject: PSNI Officers with Motoring Endorsements and/or Convictions

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 (PSNI) 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.

Request1

How many serving officers does your force currently have?

Answer

This can be found on the PSNI website by following the link provided below.

<https://www.psni.police.uk/inside-psni/Statistics/strength-of-police-service-statistics/>

Request 2

How many serving officers have been given a speeding penalty of any kind (points/fines/speed awareness course) in the last five years, while either on or off duty? Please provide a year-by-year breakdown.

Request 3

How many serving officers have been caught not wearing a seatbelt when driving in the last five years, while either on or off duty? Please provide a year-by-year breakdown.

Request 4

How many serving officers have been caught using a handheld mobile phone when driving in the last five years, while either on or off duty? Please provide a year-by-year breakdown.

Request 5

How many serving officers have been caught driving while over the proscribed limit for drink or drugs when driving (including connected offences, such as driving or attempting to drive with alcohol/drug level above limit, refusing to supply specimens for analysis etc) in the last five years, while either on or off duty? Please provide a year-by-year breakdown.

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 with Professional Standards Department in relation to Request 2 have identified that PSNI officers are only required to advise their authorities (and subsequently Professional Standards) of court proceedings. Therefore penalty points administered by Fixed Penalty Notice would not be immediately known if not shared by the officer. Further enquiries with Professional Standards have determined that to answer Requests 2 – 5 would require an examination of the NICHE record for every individual officer in the PSNI. At a conservative estimate of 5 minutes research per officer (6703), this would result in approximately 558 hours work, greatly exceeding the 18 hours limit.

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. It may be possible to answer Requests 2 – 5 with details of how many officers have been subject to a formal misconduct sanction (Written Warning and above) for the offences in each of the requests for the past five years.

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.