



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00678

Keyword: Organisational Information/Governance

Subject: Dog Detention

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold the information to which your request relates and this is being provided to you. We further consider the information you seek in request 2 is exempt by virtue of section 43(2) of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1

How many dogs were detained by the force and subsequently housed in police approved kennels?

Answer

2018 (up to and including 21.05.18) – 16
2017 - 19
2016 – 35
2015 – 28

Accurate records that are easily retrievable have only been kept from 2015.

Request 2

What was the cost of this to the force?

Answer

In relation to this request, it has been decided not to provide costs subject to Section 43 Commercial Interests.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public

interest lies, are listed below:
Section 43(2) – Commercial Interests

Section 43 is a class based, qualified exemption which means the legislators have agreed there would be harm if this information was released and a Public Interest test must be carried out.

Harm

The information requested represents the costs of housing dogs detained by the PSNI in approved kennels and is contained in the tender submitted by the company as part of the competitive tendering process. As such, it is likely to be commercially sensitive and disclosure could prejudice the company's commercial interests. Disclosing a breakdown of costs would likely provide an advantage to rival businesses and undermine the company's trading ability to tender for future contracts. Companies may lose confidence in the PSNI, compromising their integrity and causing a detrimental impact on the reputation of the service.

Public Interest Test

Factors Favouring Release – Section 43(2)

There is a public interest in disclosing information which would enable the public to better scrutinise public monies spent.

Factors Favouring Retention – Section 43(2)

To ensure fairness during the tendering process, parties do not have access to tender details from other competitors. Companies compete with rivals and any difference in their tender is often reflected in the price. Information identifying any unique elements such as specification or quality is likely to be commercially sensitive. Exposing pricing strategies of another tender could disadvantage the company and weaken their ability to tender for future contracts in a competitive market, impacting on future business revenue.

The PSNI's commercial interests would likely be prejudiced if tender details were disclosed, damaging the business reputation of the Service. Disclosure could discourage companies from submitting commercially sensitive information and consequently undermine the ability of the PSNI to procure best value for public funds and to conduct a fair tender competition in the future. Furthermore this contract is to be tendered again next year and the release of this information may give a potential tenderer a commercial advantage when the tender is re-advertised next year.

Decision

Release of this information would likely harm the process of future tenders and prejudice the commercial interests of the PSNI and the company which successfully bid for the contract. A breakdown of costs and methodology of the winning tender are commercially sensitive and could provide competitors with an unfair advantage. No release of information should be made under FOI where a commercial advantage would be provided.

Whilst accountability surrounding the use of public funds is always a strong argument in favour of releasing information in this case PSNI considers the exemption to be engaged and the public interest in favour withholding the cost of housing dogs detained by the PSNI in approved kennels.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Request 3

How many days were the dogs housed in approved kennels? (so the average duration and cost of kennelling can be calculated)

Answer

The current service provider took over from August 2015, hence figures before this date are not held.

Year	Number of days of dogs in care
2015 (from Aug)	1728
2016	7589
2017	2566
2018*	244

Request 4

What was the reason for the detention if known...(ie suspected hare coursers/ unsafe animal/ potential evidence in a prosecution)

Answer

The main reason was welfare concerns.

Request 5

Outcome ie (animal returned to owner, returned to owner with conditions, destroyed, rehomed)

Answer

2015 –

Returned to owner – 19

Returned to the family member – 1

Signed over to council – 5

Rehomed – 3

2016 -

Returned to owner – 11

Returned to family member – 1

Signed over to council – 13

Rehomed – 9

Died in care - 1

2017 -

Returned to owner – 8

Returned to family member – 1

Signed over to council – 8

Rehomed – 1

Put to sleep - 1

2018 (up to and including 21.05.18) –

Still in care – 13

Signed over to council – 2

Returned to owner - 1

Request 6

Has the force implemented the Interim Exemption Scheme? If yes how many times?

Answer

This appears to be in England and Wales only.

Request 7

Does the force operate animal detentions in accordance with the RSPCAs Good practise Guidelines?

For questions 1-5 Please could you provide the data for the following time periods:

2017-to date

2016

2015
2014
2013

Answer

This does not apply in Northern Ireland.

If you have any queries regarding your request or the 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.