



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02770

Keyword: Organisational Information/Governance

Subject: Outstanding HET Reports

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

When the HET ceased to function, at what chronological date did they reach in their inquiries and were there any outstanding reports prior to that date? i.e. did the HET pass over or miss any cases, or not review any cases, in the years 1969-1988.

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

Retrieval of the day/month/year date would require a review of all 2,547 HET cases. Even at a conservative estimate of 1 minute per record, this process would take in excess of 42 hours, greatly exceeding the 18 hour cost limit.

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, as a manual trawl of all HET cases would be required for retrieval of information it is not possible to offer any refinement to assist your request.***

Under Section 16, to assist you, I can advise you that HET generally reviewed cases in chronological order. At the closure of HET in December 2014 cases up to 1988 were being reviewed, with a few exempt cases between 1988 and 1998 also being reviewed. The exception to this rule was where:

- There were ongoing criminal investigations
- There were or had been public inquiries or where an independent examination has been commissioned into the circumstances surrounding a death
- Cases were within the sole remit of another public body e.g. the Office of the Police Ombudsman for Northern Ireland (OPONI)
- The Chief Constable directed otherwise.

On this basis, at the closure of HET in December 2014, a small number of cases had not been reviewed by HET which fell within the date range of 1969 to 1988.

However, if you are a member of a victim's family enquiring about a specific case, you can contact LIB (Legacy Investigation Branch) directly in writing for information on the status of the case. I have provided a contact email address and postal address below:

Email: LIBEnquiries@psni.pnn.police.uk

Postal address:
Legacy Investigation Branch
4-8 Raveret Road
Sprucefield
Lisburn
Co Antrim
BT275NB

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.