

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00342

Keyword: Crime

Subject: Victims Killed by Offenders (Stalking or Harassment 2012 - 2022)

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). It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(2) of the Freedom of Information Act 2000 as to determine if PSNI holds or does not hold the information you seek. We have explained this further below but also we followed the Information Commissioner’s Office guidance *‘Requests where the cost of compliance exceeds the appropriate limit’* in relation to this request, which also provides further detail on the application of Section 12 (2) of the FOIA. This guidance is available on the ICO website at the following link:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

You requested the following information from PSNI:

Request 1

The number of victims killed by offenders the victim previously reported to your police force for stalking or harassment between 1 January 2012 to 1 January 2022.

Request 2

Please can this be broken down by year, month and date and include each report if the victim made more than one.

Request 3

If available, please could I have details of date(s) the victim reported the offender to the police and details of their report.

Request 4

If possible, please could I have the name of the victim and offender.

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(2) 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’).

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate “to any extent” to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

PSNI can advise that enquiries made in relation to your request have identified that the retrieval of information would exceed the 18 hour cost limit set by the Secretary Of State under the FOIA. It has been estimated that in order to establish if the information you seek access to is held on the PSNI database would exceed the cost threshold.

In relation to your Requests, one business area has advised there are approximately 25 – 30 homicides per year. As such, for the Requested 10 years of homicide data, there would be in excess of 250 records to be manually examined in order to identify the victim and all suspects. Each of the individuals related to these records would subsequently have to be manually reviewed, along with their addresses to identify any previous reports to police in order to respond to your Requests. It is estimated to take between 15 and 30 minutes, dependant on the number of previous incidents that have been reported, to examine a single individual. As such, this is estimated to take approximately a minimum of 62 hours, thus grossly exceeding the appropriate cost limit as set by the Secretary Of State under the FOIA.

Additionally, a separate business area has confirmed that there is currently no specific offence of stalking within Northern Ireland and to identify circumstances that may involve stalking would require all crimes recorded as harassment to be individually examined. PSNI have identified approximately

11,800 such offences recorded in the calendar years 2020 and 2021 and this would require over 1,967 hours to manually analyse each individual record, therefore grossly exceeding the legislative timescale of 18 hours. This would be further increased to retrieve data for the remainder of the requested time period.

Consequently to determine what relevant information is or is not held would be over the cost limits.

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.

Advice and Assistance

Under Section 16 of the FOIA, PSNI will always try to assist you to refine your request and provide advice where we can. PSNI has considered how your request may be refined to bring it under the appropriate limit, unfortunately on this occasion we are unable to offer any refinement given how expansive such a search would be for PSNI to determine if it does hold this information.

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 Corporate Information Branch, 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 Corporate Information Branch, 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.