



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-00814

**Keyword:** Organisational Information/Governance

**Subject:** Impact Of Covid-19 On FOI Responsiveness

### 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) we 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.

We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. 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 (1) 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](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

For the period 16th March – 17th July 2020 (i.e., when ICO had indicated a sympathetic approach to delay), provide precise data if available e.g., 15 out of 30 requests, and if not, provide an estimate e.g., 10%, for these questions:

- (a) how many responses to FOI requests were issued within 20 working days of receipt by your organisation?
- (b) how many responses to FOI review requests were issued within 20 working days of receipt of the request for an internal review?
- (c) how many responses to FOI requests were issued within 21 and 60 working days of receipt by your organisation?
- (d) how many responses to FOI review requests were issued within 21 and 60 working days of receipt of the request for an internal review?

## **Request 2**

For the period 18th July – 8th October 2020 (i.e., during the 'preparing for recovery' phase), provide precise data if available e.g., 15 out of 30 requests, and if not, provide an estimate e.g., 10%, for these questions:

- (a) how many responses to FOI requests were issued within 20 working days of receipt by your organisation?
- (b) how many responses to FOI review requests were issued within 20 working days of receipt of the request for an internal review?
- (c) how many responses to FOI requests were issued within 21 and 60 working days of receipt by your organisation?
- (d) how many responses to FOI review requests were issued within 21 and 60 working days of receipt of the request for an internal review?

## **Request 3**

During the period 1st March to 30th October 2020, provide precise data if available e.g., 15 out of 30 requests, and if not, provide an estimate e.g., 10%, for these questions:

- (a) how many responses to FOI requests were issued more than 60 working days after receipt of the request?
- (b) how many responses to FOI review requests were issued more than 60 working days after receipt of a request for an internal review?

## **Request 4**

When FOI request or review responses were issued more than 21 working days after receipt during the period 1st March and 30th October 2020, what were the main reasons for the delay? e.g., closure of premises due to Covid-19, reallocation of resources due to Covid-19, staff shortages due to Covid-19, absence of key staff due to Covid-19, limited access to necessary systems due to Covid-19, other issue related/unrelated to Covid19.

## **Request 5**

In relation to the FOI requests received by your organisation between 1st March and 30th October 2020, what proportion related directly to Covid-19, your organisation's Covid-19 response or impact of the pandemic on your organisation? (Provide precise data if available e.g., 15 out of 30 requests, and if not, provide an estimate e.g., 10%)

## **Request 6**

On 17th July 2020 the Information Commissioner's Office (ICO) launched a self-assessment Freedom of Information toolkit (FOI self-assessment toolkit | ICO) to help public authorities respond to FOI requests as they prepared to recover from the coronavirus pandemic.

- Does, or has your organisation ever, use/d the toolkit? If so, please explain whether it has had any positive outcomes.

- If your organisation has not/does not make use of the toolkit, please explain why not.

## **Request 7**

In response to Covid19, has the volume of information your organisation publishes:

- not changed
- significantly increased
- significantly decreased
- don't know

## **Request 8**

Has your organisation taken steps to proactively publish information relating to Covid-19, your organisation's Covid-19 response or the impact of the pandemic on your organisation? If it includes

a dedicated webpage, please provide a link to the webpage.

### **Clarification Re Requests 7 and 8**

In relation to parts 7 and 8 of your request, can you please clarify if you are referring specifically to FOI departmental publications or to organisational publications?

### **Clarification Received**

In Question 7, I was trying to ascertain whether the pandemic had resulted in the PSNI producing more or less information at the organisational level, and if so to what degree. For example, if staff had made inquiries about Covid/Covid precautions resulting in more information being published. Of course, I'd be happy for you to answer the question at the departmental level too, if you have that information.

As regards Question 8, I'm trying to find out how the PSNI responded at an organisational level. But, it would be great to know if the PSNI specifically recognised the role the FOI team could play in proactive publishing information, and if so, what that led to.

### **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 in relation to your request have identified that retrieval of this information would exceed the 18 hour cost limit set under the FOI Act by the Secretary of State. With regard to Request 4 over 300 FOI responses would sit within the criteria you request. To determine if the main reason for the delay in responding was due to:

- closure of premises due to Covid-19
- reallocation of resources due to Covid-19
- staff shortages due to Covid-19
- absence of key staff due to Covid-19
- limited access to necessary systems due to Covid-19
- other issue related/unrelated to Covid19

would require an examination of each and every request together with its progress to ascertain if any of these were a factor or if some other factor was relevant. Even at a nominal 5 minutes to check each of the requests meeting the criteria for Request 4 would take over 1500 minutes or over 25 hours, to identify if any criteria is relevant.

In relation to Request 7 to provide an answer to this question we would have to do a manual trawl of media release records, social media posts, printed material for the time frame of the Covid-19 pandemic. To accurately assess if we had published more information we would have to do a similar trawl of information released in the few hours prior to provide a factual assessment.

To trawl our social media posts alone, it is estimated it would take four hours to trawl two year's worth of social posts on one of our social channels. We have 17 Facebook pages, 20 Twitter accounts, one Instagram feed, one LinkedIn channel and 11 Nextdoor districts so to cover all of these would take 200 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.

### **Advice and Assistance**

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. Subject to a new request PSNI can provide a response to:

- Requests 1, 2 and 3
- Request 5 and 6
- Request 8

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](mailto:foi@psni.pnn.police.uk).

If, following an Internal Review carried out by an independent decision maker, you remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at [www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/](http://www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/)

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 their discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psnipolice.uk](http://www.psnipolice.uk)

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