



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-01379

Keyword: Organisational Information/Governance

Subject: Communication Between PSNI And Dalradian Gold

Request and Answer:

Your request for information below has now been considered and we apologise for the delay in reverting to you. 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 (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. 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

You requested the following information from PSNI:

Request

From 1st January 2019 to the day this request is processed, I would like to request all correspondence and communications - including any ‘intelligence’ briefings - between PSNI and Dalradian Gold in relation to protests and protesters.

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').

You have sought details on information exchanges between PSNI and Dalradian Gold Ltd in relation to protests or protestors over a three year period. Whilst PSNI is aware it holds some information, we sought to determine the scope of this request and extent of the searches that would be needed to be carried out in order to retrieve all information relevant to your request. We asked all of our District and Policy areas to search records and to retrieve any information held. It became clear in doing this that PSNI does not hold such information in a centrally located, easily retrievable format. Searches would require a review of both electronic and manual records held in multiple systems in addition to individual officer's notebook and journal entries.

In one Policing District alone (Fermanagh and Omagh District), initial searches determined 145 electronic records would need to be reviewed from the time period of your request to determine if information falls within the scope of what you are seeking. This would also require a search of any linked records such as manual files, journals and notebooks. We estimate conservatively this would take at least 15 minutes per record. Whilst this would take approximately 36.25 hours for one District alone, further searches would be required across the other remaining Districts. As this retrieval and search work would take over the 18 hours as set down in the Fees Regulations detailed above, PSNI has determined the exemption in relation to costs at section 12 (1) of the FOIA is engaged and applies in this case.

In accordance with the FOIA, this letter should be considered as a Refusal Notice under that Act, 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. We do consider information if retrieved would attract exemptions under FOI legislation including those relating to law enforcement activity of PSNI as well as personal information of individuals and are not able to provide advice on submitting a refined request as a result.

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 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/

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.psni.police.uk

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