



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-01420

Keyword: Operational Policing

Subject: Police pre-charge Bail

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 (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

Request

During the Calendar year 2021:

Request 1

How many times was police pre-charge bail granted by your force?

Request 2

How many of these were conditional and how many were unconditional?

Request 3

How many included a condition that the suspect would not be allowed to leave the country?

Request 4

With relation to those cases where the suspect was prohibited from leaving the country, in how many instances was a travel document (eg. passport, EU ID cards etc.) confiscated or withheld by your force as part of enforcing bail conditions?

Request 5

Please disclose any internal guidelines, operating procedures, or other documents that relate to how your force deals with travel documents that have been seized/confiscated in order to enforce/as part of bail conditions (e.g. notify HMPO/Border Force, foreign authorities or embassy if the passport is non-UK, etc.). Please note that this would exclude other cases where police might come into contact with travel documents (e.g. lost/stolen, found at crime scene etc.)

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(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').

PSNI can advise that 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. This information is not held in a retrievable format that provides the information without manual intervention, and a comprehensive search would need to be conducted to retrieve the information you have requested. We can advise that there were 5179 conditional bails from custody suites over the course of 2021. In order to retrieve information relevant to Requests 1-4, each bail record would require manual examination. At a conservative estimate of 1 minute to examine records and the bail conditions checked individually, would equate to over 86 hours of work. As a result, to retrieve information for Requests 1-4 would be grossly over the legislative timescale of 18 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

In compliance with Section 16 of the Act, PSNI have considered how your request may be refined to bring it under the appropriate limit. Unfortunately, on this occasion as a manual examination is required, we will be unable to provide the information for Requests 1 – 4.

In terms of Request 5, PSNI can advise that should documents be seized to ensure compliance with bail, usually at the behest of a court, they would be held under property retention rules. Any travel documents seized as part of bail management processes are retained in line with the provisions of

Police and Criminal Evidence (Northern Ireland) Order 1989 and in line with routine property management procedures.

For assistance, a link to the PSNI Property Service Instruction has been provided below:

<https://www.psni.police.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/property-051217..pdf>

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 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.