



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-01486

Keyword: Crime

Subject: Unsolved Murders

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

You requested the following information from PSNI:

Request 1

How many unsolved murders your force is actively investigating (as of 17 June 2022)?

Request 2

How many further unsolved murder cases remain open but inactive (i.e. because all reasonable current lines of inquiry have been investigated)?

Request 3

For each case in your answers to questions 1 and 2, could you tell me:

- The name, age, sex and ethnicity of the victim (if known)
- The year the police investigation began
- The method of killing if known (i.e. shooting, knife or sharp implement, physical assault with no weapon, 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 Requests 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 this information. Requests 1 and 2 would require manual examination of homicides since 1969 in order to retrieve data relevant to your Request. In order to quantify the figures involved, since 2004, there have been 428 homicides recorded by PSNI. At an estimate of 15 minutes to examine an individual record to identify if it is active, and provide a breakdown as per Request 3, would equate to 107 hours of work, thus grossly over the appropriate cost limit of 18 hours as set by the Secretary of State. Additionally, as the information requested is not held in a central location within PSNI and is held in both a manual and electronic format, to ensure that we are answering the full scope of your Request, Legacy Investigation Branch’ (LIB) have advised that a manual review of cases that fall within the remit of ‘legacy related cases’ would be required. LIB cases cover the period from 1969 to March 2004. As a result the 107 hours provided would be further increased to manually examine all records and provide a response.

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. Unfortunately, on this occasion as a manual trawl of records would be required for retrieval of any relevant information, it is not possible to offer any refinement to assist your request.

Please note that the following exemptions would be applied to this Request if data could be retrieved within the cost limit. PSNI would exempt the split between the number of active, and inactive unsolved Murder investigations as of the 17th June 2022 by virtue of Section 31 (1) Law Enforcement. It would be harmful to confirm how many unsolved investigations are actively being worked on, against those which aren’t as it would show the level of activity overall. Outstanding

offenders would know the situation relative to their crime, but providing a number may only serve to indicate further the likelihood as to whether the police are actively pursuing them at that time. Such action would hinder the detection of crime, and the apprehension of an offender.

In terms of Request 3, Section 30(1) Investigations would be engaged in respect of the part concerning the method of killing. Information which is held for the purpose of an investigation, and which may only be known by the police and the offender, may allow criminals to construct an alibi or destroy relevant evidence. This has obvious negative connotations in pursuit of a successful conviction. In addition, Section 38 Health & Safety is engaged. Families of the deceased have a right to grieve for the loss of their loved ones without interference. This is acknowledged by all forces, and in certain unsolved cases, where new information is forthcoming the police will reopen enquiries without notifying the victims' families until such time there is a significant development. It would stand to reason that it would be inappropriate to confirm active enquires, or release information into the public domain which may only have a detrimental effect on their mental well-being. Equally, disclosure may only result in bringing unnecessary and unwanted attention to the families, perhaps via the media or other interested parties.

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.psnipolice.uk

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