



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-01545

Keyword: Crime

Subject: Historical Institutional Child Abuse in Northern Ireland

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

You requested the following information from PSNI:

The questions relate to historical institutional child abuse in Northern Ireland.

Request 1

How many complainants/referrals regarding historical institutional child abuse were submitted to the PSNI by the HIA Inquiry to ensure that any potential criminal matters were addressed?

Request 2

Has the PSNI completed investigations into any of these cases?

Request 3

Where these reviews or fresh investigations?

Request 4

What is the current status of these cases?

Request 5

How many were referred to PPS?

Request 6

No-further enquiry?

Request 7

What were the outcomes?

Request 8

How many led to prosecutions/trials or successful convictions?

Request 9

Did the PSNI take proactive steps to review the evidence presented to the HIA Inquiry (available on HIAI website), and the final published report, to establish if there were any evidential opportunities re criminal matters?

Request 10

Has the PSNI forwarded information to Operation Hydrant?

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').

The PSNI would need to review the evidence from the original HIA inquiry in 2017 (Hart Inquiry). Victims would need to be identified to ascertain whether a Police investigation had taken place. This is not readily available as Victim/Witness details were represented in the report as generic letters and numbers to protect their identity. Further enquiries would be required to ascertain whether the HIA board has already released or would release names to PSNI and what MOU/ other information sharing/data protection paperwork is required to obtain those details. That is before the Niche searches could even begin.

From the HIAI website, there were approximately 493 applicants engaged with the inquiry in one

form or another. 308 came from within Northern Ireland, 82 from England, 63 from Australia and 22 from ROI. Remainder came from Scotland, Wales, Europe & North America. Due to the various locations of victims, it would need to be established which investigations PSNI took the lead on.

To source the information relating victims details, as described above, would be an overcost in itself, not taking into account the work which would follow trawling our databases. This request would grossly exceed the FOI legislative cost of 18 hours as set by the Secretary of State.

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, we have considered how your request may be refined to bring it under the appropriate limit and can advise we can answer the questions 1, 2, 3, 4, 5, 6, 7, 8, and 10 of your request.

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.