

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2021-01753

Keyword: Road Policing

Subject: Video Evidence Submissions

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) I 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:

Request

I would be most grateful if you could please assist with the following queries:

1. As part of its enforcement of driving offences, does the force accept the submission of video evidence by members of the public to report driving offences, whether the recording device is handheld or attached to a vehicle or rider (e.g. dash/handlebar/helmet cameras)?

If yes, for each of the past four years (2017, 2018, 2019, and 2020, please provide answers for each year separately):

2. How many submissions of video evidence were received by the force relating to reports of driving offences?

3. How many of these reports:

- a. Resulted in prosecution (court action)?
- b. Resulted in a fixed penalty notice being issued and accepted?
- c. Resulted in a driver being offered an NDORS course as an alternative to prosecution/FPN?
- d. Resulted in a warning letter?
- e. Resulted in no further action being taken?
- f. Resulted in some other action being taken (please specify)?

If you have any queries, please get in touch.

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').

PSNI have conducted a number of investigations where footage from a Dash camera has been supplied from a member of the public. Sometimes this is in response to a crash investigation and on other occasions it is an unsolicited report. However 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. Due to the fact that we do not have the dedicated reporting portal we do not currently record the number of times we have received video footage in support of an allegation of a driving offence. The latest PSNI enforcement figures reveal that during the period 1/11/20 – 31/10/21 PSNI detected 3870 cases of Careless Driving, 1657 cases of Dangerous Driving and 2493 cases of Driving whilst using a mobile phone. In order to try to answer this request we would need to examine each of these 8,020 prosecution files to determine if video footage was submitted to support an allegation. At a conservative estimate, each case would take 5 minutes to locate on our recording systems to determine if any video footage is attached to the case file. If so, then each of these cases would necessitate further enquiry to determine if it fell within the defined request rather than CCTV or police BWV. So already we're at 668 hours to complete such a search.

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 however unfortunately on this occasion PSNI are unable to provide any refinement for this request.

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.psn.police.uk

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