

Keeping People Safe



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2020-02463

**Keyword:** Organisational Information/Governance

**Subject:** Firearms and Explosives Branch

### 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](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

### Request 1

How many Prohibited Weapons (i.e. firearms specified as such under Article 45 of the Firearms (Northern Ireland) Order 2004) have PSNI Firearms & Explosives Branch granted permission to hold or varied a Firearms Certificate for and are currently held on a PSNI Firearms Certificate?

For each Firearms Certificate that has been granted or varied to allow a prohibited Weapon to be held, please supply this information by:

1. Firearm Certificate Holder type i.e. Registered Firearms Dealer, Museum, Business (e.g. Film prop supplier) Private Individual/Collector;
2. Type of Firearm (as per Article 45) e.g. Concealed Weapon, Machine Gun, Rocket Launcher etc.;
3. Calibre of each Prohibited Weapon;
4. Total type of each type of Prohibited Weapon on each FAC; and
5. Total of all types of Prohibited Weapons on each FAC Holders Certificates.

## **Request 2**

How do PSNI Firearms and Explosives Branch undertake:

1. Condition a Collectors Firearms Certificate to meet the requirements of under Article 45(2) of the Firearms (Northern Ireland) Order 2004; and
2. What is the total number of such conditioned Collectors Firearms Certificates so conditioned.

## **Request 3**

The number of times the PSNI Firearms and Explosives Branch has indicated to the Firearms & Explosives Branch of the Northern Ireland Office that they had no objections / would support the NIO approval to hold a Prohibited Weapon and then have subsequently after the NIO has granted permission to hold a prohibited Weapon withdrawn such support or provided an objection including dates of approval / objection date and the reasons stated and the date the Firearms certificate holder was made aware of the grounds for objection by PSNI FEB i.e. increased threat to the individual or organisation , as outlined below

1. Date PSNI FEB notified FEB NIO they had no objection to the Prohibited Weapon being held;
2. Type of Prohibited Weapon applied for;
3. Date the Grant or Variation Application for Prohibited Weapon received by PSNI;
4. Date FAC granted or varied;
5. Number of days between application for Grant / Variation; and date of approval or otherwise
6. Date PSNI FEB notified FEB NIO they had objections to the Prohibited Weapon being held;
7. Grounds cited for the objection to the Prohibited Weapons being held; and
8. Date PSNI FEB notified FAC holder of the grounds / concerns for the objection to the Prohibited Weapons being held i.e. increased threat to the FAC holder.

## **Request 4**

Details of PSNI Firearms & Explosives Branch's

1. Complaints Procedure; and
2. Appeals Procedure.

This request is in relation to the Number of Prohibited Weapons held on a PSNI Firearms Certificate or objected to being held on a PSNI Firearms Certificate once Section 45 Authority has been granted by the Secretary of State and does not seek PID or FAC numbers, FAC holders names or addresses or details of other non-Prohibited Weapons held on a PSNI Firearms Certificate.

## **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').

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate "*to any extent*" to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

Enquiries made in relation to your request has identified that retrieval of all information would exceed the 18 hour cost limit set under the FOI Act, by the Secretary of State.

The information requested is not held in a readily retrievable format on the firearms licensing system. There is no unique identifier to indicate a prohibited weapon held on a current firearm certificate. Therefore, retrieval of any relevant information would require a manual trawl of records.

There are currently 129 firearm certificates issued which include a condition to authorise possession of a firearm or firearms for 'collection purposes – to be held and kept as part of a collection or exhibition.' This is the condition which may be applied to authorise possession of a prohibited weapon. It can also be applied to more than one firearm although will only appear once on the firearm certificate. This condition, however, may also be applied to firearms held as part of a collection which are **not** prohibited weapons.

In relation to Request 1 and 3 a manual search of each record would be required to identify if any of the firearms held are prohibited weapons i.e. if the Secretary of State has granted authorisation to possess. This process would involve manual research of all documents retained in TRIM (document management system) linked to each of the records. It is estimated to take an average of 1 hour per record to retrieve all relevant information and this process would equate to 129 hours, greatly exceeding the 18 hour cost limit. This estimate would be further increased for retrieval of information for the remaining requests.

**Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part of the request.**

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. PSNI has considered how your request may be refined to bring it under the appropriate limit.

**Subject to any relevant exemptions, it may be possible to retrieve information in relation to Request 2 and 4 within the appropriate cost limit.**

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 exemptions at Part 2 of the FOIA.

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](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office 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. 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 his 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](http://www.psni.police.uk)

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