



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2022-01492

Keyword: Organisational Information Police/Staff Misconduct and Complaints

Subject: PSNI Members of the Orange Order under investigation

Request and Answer:

Your request for information below has now been considered and we apologise for the delay in issuing our response. 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:

Request 1

As a follow up to this, can the PSNI now confirm if any of the people who have been identified in the attached document (response to F-2022-01385) are under investigation for any offences or misconduct?

Request 2

Have any been under investigation for committing offences/misconduct at any time in the past?

Clarification Sought

In relation to investigations mentioned in R1 and R2 can you advise does this relate to matters investigated only by PSNI, or do you also wish to include matters investigated by the Police Ombudsman?

Clarification Received

This would be matters investigated by the PSNI and Police Ombudsman please.

Request 3

If so, can you mention how many individuals were investigated, when incidents occurred and the nature of any/all incidents?

Request 4

If applicable, what is the current status of/what is the outcome of any/all the investigations?

Request 5

If applicable, can you also mention the rank/job title of any of those who were/are being investigated?

Request 6

Can you provide a breakdown of how many police officers there are in the PSNI?

Request 7

How many are employed in each Northern Ireland district?

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 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. PSNI have estimated that to retrieve information in relation to requests 1 – 5 a manual trawl of multiple systems, databases and spreadsheets would be required as information in relation to Police Ombudsman investigations are not held in an easily retrievable format including that relating to older investigations. A physical check of each of the Officers records (from joining the PSNI) identified in data from FOI-2022-01385, we estimate would take a minimum of 10 minutes to review each individual record. This would equate to approximately 20 hours, exceeding the legislative timescale

of the Fees Regulations..

In accordance with the FOIA, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

Advice and Assistance

We have considered in this request how we may be offer you advice and assistance in order to amend or refine your request so that is may be brought under the appropriate limit.

In relation to requests we can advise should you submit a new request limiting the information to internal PSNI investigations only, that data could be retrieved within cost limits. However PSNI will assess, at the time of any new request, if we can provide all of the data sought in these requests subject to the application of any exemptions. Where investigations are ongoing and individuals may be identified this information will likely attract exemptions from disclosure. We should point out in relation to your request number 6 seeking information on the workforce composition of the PSNI is available on our external website at the following link:

<https://www.psni.police.uk/inside-psni/Statistics/workforce-composition-statistics/>

As above the submission of a refined request would be treated as a new request, and considered in accordance with the FOIA , including consideration of use of relevant exemptions where required.

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.