



## FREEDOM OF INFORMATION REQUEST



**Request Number:** FOI-2022-01700

**Keyword:** Policing Themes, Operations and Investigations PSNI Correspondence and Reports

**Subject:** Policing of Immigration Raids and Protests

### 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 may hold the information you have requested however it is estimated that the cost of complying with all of your requests 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

Any guidance issued in the last 3 years provided by the Home Office to your police force relating to the policing of immigration raids and the policing of protestors who may attend them.

### Request 2

Any correspondence between the police force and Home Office relating to immigration raids which have been disrupted by protests (since July 2019).

### Request 3

Any internal guidance or correspondence which mentions both anti-immigration raid protests and the Police Crime Sentencing and Courts Act 2022.

### Request 4

Any correspondence between any of the chief officers relating to the policing of immigration raids.

## Request 5

Any correspondence between any of the chief officers with officers at another police force relating to the policing of immigration raids.

## 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').

Enquiries made in relation to requests 2, 3, 4 and 5 have identified that to establish if this information is held 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 requested data, without manual intervention. A comprehensive search would need to be conducted to establish if this information is held.

In relation to the requested correspondence, the relevant business areas have advised that they have not located any relevant data. However to establish if the requested correspondence is held, all PSNI departments and branches would need to review their staff's correspondence. Furthermore all PSNI Chief Officers would need to review all of their correspondence, to verify if they hold any of the requested correspondence. Each PSNI member would need to retrieve and review all of their sent and received emails. Each of the recovered emails and attachments would need to be manually reviewed, to establish if they are relevant to the request.

In relation to the requested guidance, the relevant business areas have advised that they have not located any relevant data. However to establish if any relevant guidance is held, all PSNI departments and branches would need to review their internal guidance documents. To complete this task for all correspondence and guidance that could potentially relate to these requests, would take in excess of 18 hours, grossly exceeding the 18 hour cost limit. To conduct the above searches 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.

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.

- In response to request one, we can confirm that the PSNI does not hold information in relation to your request. Enquiries made in relation to request one failed to locate any records or documents relevant to your request, based on the information you have provided. Accordingly we have determined that the PSNI does not hold this information.
- To assist, please note that Immigration Enforcement falls under the UK Border Force. The Border Force is a law enforcement command within the Home Office.
- The legislative changes referred to within the Police Crime Sentencing and Courts Act 2022 have not yet been progressed within Northern Ireland.
- In relation to request 2, 3, 4 and 5 we have considered how your requests may be refined to bring them under the appropriate limit. Due to the PSNI recording system there is no refinement we can offer.
- 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](mailto: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/](http://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](http://www.psni.police.uk)

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