

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01733

Keyword: Organisational Information/Governance

Subject: PSNI Community Policing in Dromore

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:

Request 1

Details requested as follows for the period between 10 December 2015 and 10 September 2020. A list of dates and times that PSNI Community Policing (or, if no longer in existence, a similar patrol type team) have been present in Dromore, Co. Down as part of “sweep” patrols (i.e. having a presence in the area not related to a specific matter such as a callout), in particular between the hours of 19:00 of 8 September 2020 and 10:30 on 9 September 2020.

Request 2

A list of dates and times that PSNI Community Policing (or, if no longer in existence, a similar patrol type team) have been present in The Spires, Dromore, Co. Down.

Request 3

A list of dates and times that PSNI Community Policing (or, if no longer in existence, a similar patrol type team) have been present in The Belfry, Dromore, Co. Down.

Request 4

A list of dates and times that PSNI Community Policing (or, if no longer in existence, a similar patrol type team) have been present in The Priory, Dromore, Co. Down, in particular between the hours of 19:00 of 8 September 2020 and 10:30 on 9 September 2020.

Request 5

Dates that the PSNI have been made aware of issues during the above time frame in Dromore, Co Down as a whole, then broken down by area as outlined above, including but not limited to:

Anti-social behaviour
Trespassing
Ball games in the public highway
Riding motorbikes that are untaxed
Riding motorbikes without helmets
Underage motorbike riding
COVID-19 suspected breaches.

Please provide dates ONLY (details of type of incident, reporting person, reporting address and so on not required).

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 have identified that retrieval of the information would exceed the 18 hour cost limit set under the FOI Act by the Secretary of State.

Some of the Information for request number 5, although it is held electronically on the PSNI computer system it is not held in readily retrievable format. The town of Dromore, Co.Down is situated in two Electoral Wards, these are Dromore and Quilly. In relation to request 5, to be able to provide dates, further broken down into the 3 different requested areas within Dromore Co.Down and to establish Covid-19 suspected breaches (recorded as Emergency Health Regulation Breaches also held under the Anti-Social category), a manual trawl would need to be carried out to ascertain if it met the circumstances requested. With 825 anti-social behaviour records listed from December 2015, each taking approximately 3 minutes per record this would equate to approximately 41 hours. Therefore to retrieve the information requested would greatly exceed the statutory limit of 18 hours.

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, I have considered how your request may be refined to bring it under the appropriate limit. If a new request were to be submitted in relation to request 5, Information for Trespassing, Riding motorbikes without helmets and Underage motorbike, it may be possible to retrieve information within the appropriate cost limit in relation.

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.

Advice and Assistance

In relation to requests 1 to 4 the PSNI can confirm, enquiries made in relation to these requests failed to locate any records or documents relevant to your request based on the information you have provided. The data requested is not captured by PSNI computer systems or Officers Notebooks. Officers are not expected to record routine beat and patrol in their notebooks if they are not evidential. Accordingly, we have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

Please note

The PSNI do adjust the frequency to Patrols to increase visibility, this is not based solely on Crime Reports. Police receive information and requests that influence patrol patterns from Community Representatives, Community Members and other sources. Crime Reports are used in conjunction with these other sources of information.

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 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

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