



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01742

Keyword: Operational Policing

Subject: Protests & Events

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

Request 1

All pictures, video, data or information relating to the Black Lives Matter protest since the 3rd of June.

A copy of all operational order on the following protests and events:

1st June 2020 at write a square Black Lives Matter protest.

Request 2

3rd June 2020 at Belfast City Hall Black Lives Matter protest.

Request 3

6th June 2020 at Belfast Custom House Square & Derry Guildhall Square Black Lives Matter protest.

Request 4

10th June 2020 at Chinese Embassy protest Malone Road.

Request 5

13th June 2020 at Protect our Statues and War Memorials.

Request 6

11th July 2020 bonfires in Belfast and Londonderry/Derry.

Request 7

13th July – Parades and Bonfires.

Request 8

8 April - Francie McNally funeral East Tyrone.

Request 9

26th May - Republican Funeral - Ciaran Wiley.

Request 10

3rd July - Bobby Storey funeral.

Request 11

Can you also confirm how many police officers were on duty on each of those events funerals and protests?

Request 12

What role was each officer on duty performing at each protest or event mentioned above?

Request 13

What instructions did Gold Command issued to Silver Command on the day of all the events protests and funerals?

Request 14

What instructions did the police receive on each of the above mentioned events/incidence?

Request 15

What instructions did Gold Command issue to Silver, Silver to Bronze and to the police on the ground in the events numbered 1-10.

Request 16

BLM 6 June protest was done in conjunction with other protests throughout the world and was part of UK wide network of rallies including London, Manchester, Birmingham. Why did the PSNI behave differently from other UK police?

Request 17

A copy of all senior offices journal inputs relating to Black Lives Matter protests, Republican funerals and loyalist bonfires and parades and protests mentioned above 1-10.

Request 18

Why was the Public Order Enquire Team established in the same office as my spouse? Was this a deliberately attempt to shame and embarrass my wife and family.

Request 19

My interview was conducted at Musgrave police station, the place where my wife works. Why was this decision made, was this to bully and put pressure on me and my family or to embarrass my wife and cause stress and anxiety to her wife and family as a whole.

Request 20

The officer who interviewed me is my wife's colleague whose wife works in the same department as my wife, was this deliberate attempt to cause my wife shame and embarrassment or was the PSNI actively bullying my family?

Request 21

The POET viewed video footage of me in the same office as my wife and had conversations about the BLM event in her presence.

Request 22

The PSNI picked on my friends and left out those who had political back up for example the minister of justice Naomi Long offering cover for some of the speakers who shared the platform with me. Some of the Derry speakers with political cover were not interview in same manner, can you explain why?

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.

The information you have requested is not held centrally, therefore it was necessary to make

enquiries with various departments/business areas and policing districts across PSNI. These consultations have identified that retrieval of any information relevant to your request would exceed the 18 hour cost limit, set by the Secretary of State under the FOI Act.

The majority of the information requested relates to Belfast City Policing District and the retrieval process would require a trawl of hard copy and electronic records held on separate recording systems, involving more than 200 various documents, CDs, video footage, stills and emails. Estimating an average of 10 minutes per record, the retrieval process would greatly exceed the appropriate cost limit. Retrieval of information in relation to the remaining requests would further exceed the 18 hour cost limit.

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 within the appropriate cost limit in relation to:***

Information relating to Derry City and Strabane Policing District area.

Information recorded by District Policing Command and Chief Constables office.

For information, the Freedom of Information Act 2000 legislates for the rights of an individual to seek access to ***recorded information***. The Act only extends to requests for ***recorded information*** as defined by Section 84 of the Act and does not require public authorities to answer questions, provide explanations or create information to answer an FOI request unless information is already held in recorded form.

A question will not necessarily constitute a 'valid request' if it is asking PSNI to speculate or to provide information which is not recorded. Further information on what constitutes a valid request can be found on the Information Commissioner's Office website:

<https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>

Request 16 & Request 18 – Request 22 are not valid requests under the FOI Act, as PSNI does not hold information on the speculative element of these questions.

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.

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.