

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-01955

Keyword: Organisational Information/Governance

Subject: Firearm Licences

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 neither confirm nor deny that the Police Service of Northern Ireland does or does not hold the information you have requested. It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(2) of the Freedom of Information Act 2000.

Request 1

How many ex republican prisoners hold a FAC.

Request 2

How many ex loyalist Prisoners hold a FAC.

Request 3

How many catholic have had license revoked in last 12 months.

Request 4

How many Protestant have had license revoked in last 12 months.

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(2) 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 have identified that any requested information, if recorded, would not be held centrally, therefore it has been necessary to consult with more than 1 business area in an attempt to provide you with any relevant information.

In relation to Request 1 and 2, to establish if any information is held, would firstly require a search of the Niche recording database to identify former prisoners in the last 12 months. A manual trawl of all these records would then be required to establish if an individual is affiliated with any particular group. An accurate result of whether the person is or is not affiliated with a particular group is still not guaranteed.

It is estimated to take 10 - 30 minutes to examine 1 record, depending on the size of the record. Although difficult to quantify, on this basis, the retrieval process would take a minimum of 429 hours, grossly exceeding the 18 hour cost limit under the FOIA.

Any results would then require cross-referencing with Firearms Licensing records to ascertain if a Firearms Licence is held, further exceeding the appropriate cost limit.

Under Section 12 of the Freedom of Information Act 2000, if a public authority estimates that it would exceed the appropriate limit to confirm whether or not the requested information is held, under Section 12 (2) of the Act, it does not have to deal with the substance 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.

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. ***Unfortunately, as a manual trawl of records would be required to retrieve any relevant information, it is not possible to offer any refinement to assist your request.***

In relation to Request 3 & 4, religious/community background is not required as part of the application process, therefore this information is not held.

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 Freedom of Information Team, 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 Freedom of Information, 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.psnipolice.uk

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