



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-02007

**Keyword:** Crime/Incident Statistics Road Traffic

**Subject:** Fixed Penalty Notices Issued to Cyclists

### 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.

### Request 1

Please could you provide the number of Fixed Penalty Notices issued in 2022 for the offence of cycling on a foot way, broken down into the following categories:

- Fines paid
- Fines cancelled
- Cases referred to Court for prosecution
- Cases with a resolution outstanding

### Request 2

Please could you provide the number of Fixed Penalty Notices issued in 2022 for the offence of cyclists jumping a red light, broken down into the following categories:

- Fines paid
- Fines cancelled
- Cases referred to Court for prosecution
- Cases with a resolution outstanding

### Request 3

How does this compare to the situation between 2017 to 2021? For the sake of clarity, please could you provide the same answers to Q1 and Q2 for the following years:

- 2017
- 2018
- 2019

- 2020
- 2021

## **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 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. This information is not held in a retrievable format that provides the information without manual intervention, and a comprehensive search would need to be conducted to retrieve this information.

*Please note:* Between 1<sup>st</sup> January 2022 and 31<sup>st</sup> May 2022 there were 2,796 fixed penalty notices issued for failing to drive/ride to the rule of the road or breach of a traffic sign. The only way to ascertain what the ticket was issued for is if the officer records this in the ticket notes. The notes were blank on 882 of the tickets, therefore it would not be possible to determine the specific offence, while others may contain insufficient detail to do so. In addition it is not possible to search for “vehicle type” within the dataset, therefore PSNI would be relying on the officer recording that the ticket was issued to a cyclist, which they may or may not record. In order to accurately respond to this request, each ticket will have to be assessed. There is no way to ascertain this information without a manual trawl of every single ticket to identify if this was recorded. Allowing 2 minutes to review each ticket would take approximately 93.2 hours, this would exceed the legislative timescale 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.

## Advice and Assistance

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 and can advise as follows:

**Request 1** – PSNI can provide the total number of detections for the offence of 'failing to drive/ride to the rule of the road' for 2022.

**Request 2** – PSNI can provide the total number of detections for the offence of 'breach of a traffic sign' for 2022.

**Request 3** – PSNI can provide the total number of detections for the offence of 'failing to drive/ride to the rule of the road' and 'breach of a traffic sign' for the following years:

- 2017
- 2018
- 2019
- 2020
- 2021

*Please note:* The vast majority of these detections will relate to drivers as opposed to cyclists.

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.police.uk](mailto:foi@psni.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.

