

Keeping People Safe



## FREEDOM OF INFORMATION REQUEST



**Request Number:** FOI-2021-02172

**Keyword:** Crime

**Subject:** Hate Crime Stats Sept 2020 - Sept 2021

### 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 (PSNI) 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 Police Service of Northern Ireland (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)

You requested the following information from PSNI:

### Clarification to the Requester

Could you please define ‘the past year’? Do you define this as September 2020 – September 2021 or January 2021 – present?

### Clarification From the Requester

September to September if possible. That can be refined if it exceeds the limit.

### Request 1

Can the PSNI confirm how many racially motivated hate crimes have been reported over the past year?

### Request 2

How many individuals have been arrested/prosecuted for racial hate crimes in Northern Ireland over the same period?

### **Request 3**

Is the PSNI able to provide further information which shows whether the perpetrator came from a unionist/nationalist or catholic/protestant background?

### **Request 4**

If that is not possible, can the PSNI indicate the number of racially motivated hate crimes that took place in predominantly protestant or catholic areas?

### **Answers**

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').

For your information, the ICO Guidelines state, " A Public Authority is not obliged to search for, or compile **some** of the requested information before refusing a request that it estimates will exceed the appropriate limit ..." Therefore, PSNI is not obliged to search up to the appropriate limit.

The information requested whilst it is held electronically it also requires manually intervention. PSNI can advise between 1st October 2020 and 30th September 2021 there were a total of 853 racially motivated offences between 1st October 2020 and 30th September 2021. Therefore to extract the information requested for Request Numbers 2 and 3 would require a manual review of each individual record and subsequently a review of any records linked to the offences. It is estimated that it would take in excess of 140 hours to manually examine each one, thus placing the request in excess of the 18 hours threshold as set by the Secretary of State.

**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.

- Request Number 1-information on the number of racially motivated hate crimes that were recorded between October 2020 and September 2021 will be available in our next Quarterly Hate Crime bulletin, which will be published on the PSNI website on 25<sup>th</sup> November 2021. The most recently published report will provide figures up to 30<sup>th</sup> June 2021. It can be found here:

<https://www.psni.police.uk/inside-psni/Statistics/hate-motivation-statistics/>

- Request 4 - We provide figures for the number of racially motivated offences that took place in each financial year, broken down by a range of geographies, on the N Ireland Neighbourhood Information Statistics data portal. This data goes down to the ward level, and the data series is available from 2004/5. This may be of assist to determine how many racially motivated offences are recorded in 'Catholic' and 'Protestant' areas. This information is included in 'Incidents and Crimes with a hate motivation (administrative geographies)', which can be found here:

<https://www.ninis2.nisra.gov.uk/public/Theme.aspx?themeNumber=131&themeName=Crime+and+Justice>

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.