

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2020-02341

Keyword: Crime

Subject: Fake Illness Fraud

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

I am writing to you under the Freedom of Information Act 2000 to request the following information from your police force. How many cases of fake cancer and terminal illness fraud have been reported to your police force?

Request 2

How many cases of fake cancer and terminal illness fraud have been investigated by your police force?

Request 3

Of this number how many of these cases have been prosecuted?

Request 4

Of the total number of cases prosecuted how many were convicted?

Request 5

What is the total sum of money reported to have been stolen from the total number of cases which were convicted?

Can the information please be broken down annually and cover the last ten years 2009 – 2019. Please can I also request the same information for 2020 to date. I would prefer to receive the information electronically please.

If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

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 been made in relation to your request and identified that PSNI do not record the exact fraud MO (modus operandi) in detail which would allow for a simplistic search. Therefore, to determine if information is or is not held would require a manual search of the current NICHE database to identify any fraud offences of this specific nature. This process would involve the examination of tens of thousands of records for the 10 year period requested. Although difficult to quantify, it is estimated to take on average 5 minutes to examine each record and would vastly exceed the 18 hour cost limit set under the FOI Act by the Secretary of State.

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 for retrieval of any relevant information, it is not possible to offer any refinement to assist your request.

However, I can advise you that the National Fraud Intelligence Bureau, part of City of London Police may hold relevant information.

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.psni.police.uk

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