Keeping People Safe

FREEDOM OF INFORMATION REQUEST

Request Number: F-2021-02414

Keyword: Crime

Subject: Incidents outside Hospitals and Clinics

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

You requested the following information from PSNI:

Request 1
Formal reports by public of assault outside hospitals, clinics and family planning centres across Northern Ireland.

For the year 2011/2012
For the year 2012/2013
For the year 2013/2014
For the year 2014/2015
For the year 2015/2016
For the year 2016/2017
For the year 2017/2018
For the year 2018/2019
For the year 2019/2020
For the year 2020/2021

For the year 2021/2022, so far

Request 2
Formal reports of harassment outside hospitals, clinics and family planning centres across Northern Ireland.

For the year 2011/2012
For the year 2012/2013
For the year 2013/2014
For the year 2014/2015
For the year 2015/2016
For the year 2016/2017
For the year 2017/2018
For the year 2018/2019
For the year 2019/2020
For the year 2020/2021
For the year 2021/2022, so far

Request 3
Formal reports of filming without consent, privacy issues outside hospitals, clinics and family planning centres across Northern Ireland.

For the year 2011/2012
For the year 2012/2013
For the year 2013/2014
For the year 2014/2015
For the year 2015/2016
For the year 2016/2017
For the year 2017/2018
For the year 2018/2019
For the year 2019/2020
For the year 2020/2021
For the year 2021/2022, so far

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').

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. The information sought in your requests 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.

PSNI can advise that since April 2011 there have been approximately 9,800 crimes of assault and harassment recorded where the Modus Operandi (MO) location is 'Medical' (excluding dental surgery and hospice). This rises to more than 10,100 if the offence of threats to kill is included. The location sub type recorded is not specific enough to indicate if the offence happened outside, inside or within the vicinity of medical premises. To identify assaults/harassment reported by the public and occurring outside the specified locations would require the manual trawl of each individual record to establish circumstances and identify if it meets the criteria listed within the request. It is estimated that to examine all records would take between 1,633 and 1,683 hours, grossly exceeding the legislative timescale of 18 hours.

There is no specific MO sub location type within 'Medical' to identify family planning centres and if these are not viewed as 'medical' then a wider range of records would need to be searched further exceeding 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 however unfortunately on this occasion PSNI are unable to provide any refinement for this request.

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.

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/

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

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