

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-02519

Keyword: Crime

Subject: Spiking Incidents 2010 - 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 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

How many reports of spiking* have you received in each calendar year since (and including) 2010 at your constabulary? Please include the statistics for 2021 so far.

Request 2

How many arrests have been made for criminal offences following a report of spiking* in each calendar year since (and including) 2010 at your constabulary? Please include the statistics for 2021 so far.

*Spiking in this regard means both reports of substances being added to drinks and also applied through injection.

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’).

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When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate “to any extent” to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

PSNI can advise that enquiries made in relation to your request have identified that the retrieval of information would exceed the 18 hour cost limit set by the Secretary Of State under the FOIA. The information requested although held electronically on PSNI database it is not held in a format that extracts the information without a ‘keyword search’ which would require the manual examination of all crime records for the requested time period. To assist in quantifying the records involved, for 2020 alone, the number of crimes recorded from January to December 2020 has a total of almost 96,300 crimes and to examine each of these records for would be over cost.

PSNI can further advise and to assist that in previous requests (F-2021-00246 and FOI-2021-00971) on a similar subject, PSNI provided a further explanation as follows:

“one business area has confirmed there is no single report on PSNI’s NICHE recording database that provides all the details of each recorded crime, relevant information is held in a range of fields

and documents. To identify crimes where the text 'app' and the dating apps listed have been mentioned would still require a manual search through all the fields and documents linked to the specified crime classifications. Based on these classifications (excluding NVC and PSW which are not Home Office Crimes), there would be in excess of 42,000 records to examine and although difficult to quantify the retrieval process would greatly exceed the 18 hour cost limit set by the Secretary of State under the FOI Act".

"A separate business area has advised that a keyword search limited to 2 specific fields on the Niche database has returned 716 occurrences. However, this information is impacted by some of the requested keywords having multiple meanings other than as names of dating apps ('hinge' and 'tinder' in particular). Including the word 'app' will mitigate slightly but will also introduce further inaccuracy, as it will exclude relevant results where the word 'app' is not used (e.g. the app name appears as a standalone or is described as a website), while 'app' itself can be used in a number of contexts unrelated to the request".

"Therefore, the retrieval process would require a manual review of each record (each of which may have multiple linked offences). It is estimated to take 10 minutes to examine 1 record to determine if they are relevant results and/or have related offences".

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.

For information, keyword searches are an unreliable method of collecting data from the Niche recording database because they rely on searching through unstructured data. This means that you cannot automatically determine the context of the term found in the search result and a manual review is almost always be required to decide if the result meets the criteria of the FOI request and retrieval will often exceed the appropriate cost limit.

For unstructured data fields we also cannot rely on the data having been entered in such a way as to identify those records that are relevant. Spelling mistakes, abbreviations and aliases can all affect the reliability of a keyword search. In addition, we do not have the ability to search for keywords within external documents stored in Niche, so the scope with which we can do a keyword search is limited.

Home office offence groupings are not held in Niche. A list of the offences linked to people on each relevant occurrence could be produced, however there is no explicit link between offences and the fields checked for the keywords so each occurrence would again need to be manually reviewed to confirm if they are related to the app and then the offences sorted into the requested groupings, further exceeding the appropriate cost limit.

Unfortunately, on this occasion 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.

Whilst the PSNI cannot conduct search using keywords for the reasons outlined above, we have considered previous requests which refer to 'Drink Spiking' which may be of assistance to you although we appreciate it does not fully respond to your requests.

- In response to FOI request FOI-2021-00934 figures for 2016 - 2020 were extracted for all recorded offences of '8N Assault with injury - administering poison with intent to injure or

annoy' and '88C Other Miscellaneous Sexual Offences' which brought back a total of 58 incidents during this period.

- Each of these incidents has been checked to establish if the circumstances related to a report of the victim's drink being 'spiked'.

Please note the FOI mentioned above is in the public domain, and to assist we have provided a link below;

<https://www.psnipolice.uk/globalassets/advice--information/our-publications/disclosure-logs/2021/complaints-and-discipline/crime/00934-freedom-of-information-request---drink-spiking.pdf>

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 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.