

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 24 November 2005

Name of Public Authority: Royal Mail Group plc

Address of Public Authority: 5th Floor
148 Old Street
London
EC1V 9HQ

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 8 January 2005 the following information was requested from Royal Mail under section 1 of the Freedom of Information Act 2000 (the "Act"):

'The number of street storage boxes used for the delivery of mail and their location that were broken into in Glasgow in the last year'.

It is alleged by the complainant that although he was provided with the number of boxes that were broken into he was not provided with their locations.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The application of section 30 of the Act by Royal Mail in order to withhold part of the requested information is appropriate. Also, the public interest in maintaining the exemption outweighs the public interest in disclosure. Further information is contained in the attached Statement of Reasons.

Action Required

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Royal Mail.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 24th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Statement of Reasons

Mr P Toms requested the number of street storage boxes used for the delivery of mail that were broken into in Glasgow last year and the location of these boxes.

Royal Mail disclosed the number of storage boxes that were broken into but maintained that the release of their locations would facilitate further attacks on them and would encourage 'copy cat' crimes. Royal Mail therefore applied section 30 of the Act which states:

30. - (1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of-

(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained-

- (i) whether a person should be charged with an offence, or
- (ii) whether a person charged with an offence is guilty of it,

(b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or

(c) any criminal proceedings which the authority has power to conduct.

Section 30 is a qualified exemption and is subject to the public interest test. Royal Mail asserted that the public interest in maintaining the exemption outweighed the public interest in releasing the information.

The Information Commissioner has considered the position and agrees that the exemption has been appropriately applied.

Royal Mail and the police are involved in ongoing investigations into a widespread and increasing number of attacks on street storage boxes. These investigations have led to one prosecution and may lead to further criminal proceedings.

The Royal Mail has demonstrated to the Commissioner that criminals select their targets when deciding which type of storage box to attack. Evidence points to specific targeting of those boxes which have already been the subject of previous break-ins. For instance Royal Mail's current investigation shows that out of 1074 street boxes in one Glasgow area, there were 90 attacks on 66 boxes of a particular type during a given period.

The Commissioner recognises the concern raised by Royal Mail that if the locations were known, this would increase the risk of further attacks on these and similar boxes throughout the area.

Having agreed that the exemption applied, the Commissioner then considered the public interest arguments for and against maintaining the exemption.

The public interest test

The Commissioner recognises the public interest in the openness and transparency of public authorities. He acknowledges that the public have a legitimate interest in knowing about the security of Royal Mail. The extent of losses incurred by attacks on street storage boxes would help inform the public of the level of risk there may be in posting mail. The Commissioner is also aware of the view that if it were known which boxes had been broken into, the public could check whether expected mail had been delivered and if it had not, request compensation. With knowledge of the locations where attacks on boxes had taken place, the public could also check whether or not Royal Mail was effectively tackling a problem in a particular area.

The arguments which specifically concern the disclosure of information about street box attacks however, only retain validity in situations where boxes continue to be broken into. It is Royal Mail's aim to eradicate such attacks and if its efforts are successful such arguments would of course no longer apply. If release of the requested information does increase the risk of further break-ins then any benefits accruing from disclosure would be at the expense of the longer term strategy to eradicate such attacks.

The Commissioner has been informed that there are approximately 50,000 storage boxes in use throughout the country. These are subject to an ongoing programme of security updating. Because of the numbers and costs involved, boxes requiring security upgrading to modern security standards are carefully prioritised. If information was disclosed on how to identify particular boxes to target, it would be necessary to upgrade the physical security of all such boxes. This would be at significant cost. The Commissioner does not consider the resulting additional cost to the public purse to be in the public interest.

There is strong public interest in the protection of our mail from theft. In order to achieve its protection Royal Mail needs to have the opportunity to pursue effective strategies to prevent criminal activity, identify criminal activity when it takes place and effectively prosecute offenders. Disclosure of the requested information would seriously hamper its efforts in this respect. It is the Commissioner's view therefore that the public interest in withholding the information outweighs the public interest in disclosure.

Summary of the Commissioner's decision

The Commissioner holds the view that the release into the public domain of locations of street storage boxes that have been attacked would facilitate further attacks on similar boxes.

He has decided therefore on the basis of the factors set out above, that the public interest in withholding the locations of street storage boxes that have been attacked outweighs the public interest in disclosure.