

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 December 2012

Public Authority: The Chief Constable
Address: Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Decision (including any steps)

1. The complainant has requested information about the number of sexual assaults and rapes reported where the offender was a taxi or private hire driver. The public authority confirmed that it held information but advised that to comply with the request would exceed the appropriate limit. The Information Commissioner's decision is that the public authority has correctly applied section 12(1) of FOIA as a basis for non-disclosure of the requested information.

Background

2. This request can be followed on the '*what do they know*' website¹.
3. The complainant has made the same, or similar, requests to a number of other police forces which can also be found on this site. The responses vary greatly depending on the way the request has been interpreted by each force or re-worded by the complainant. Some forces have provided some limited information.

¹http://www.whatdotheyknow.com/request/sexual_assaults_and_rapes_28#incoming-307823

Request and response

4. On 22 July 2012 the complainant wrote to the public authority and requested information in the following terms:

"Can you please tell me the number of sexual assaults and rapes, reported in your area, in the last twelve months, which appear to be Taxi and Private hire car related?"

5. The public authority responded on 23 July 2012. It advised that to comply with the request would exceed the appropriate limit. It explained:

"The reason for this is that every reported Sexual offence would need to be researched, in depth, in order to establish the data that you have requested. Search fields on occupation are only available on the custody system. Location fields on crimes will not indicate the data that you have requested. Any data provided is likely to be inaccurate [sic] as a large proportion of Private Hire cab drivers are often part time working and may well be different to a full time occupation which would be the indicated occupation of the offender".

6. When requesting an internal review the complainant provided a list of home office codes for those offences which he wished to have considered. He also provided various 'key word' terms which he thought would be suitable for the public authority to enter when conducting its searches, suggesting that it tried: "... a key word search of the modus operandi text field to identify words including 'taxi,' 'hackney', 'private hire,' 'cab' and 'driver' ".

7. Following an internal review the public authority wrote to the complainant on 25 August 2012 maintaining its initial view. It added:

"... whilst some police forces may have information systems from which the details sought can be readily extracted. This is not the case with the Staffordshire Police IT system within which the details are held. I am advised that the research and extraction of that data would require an examination of each individual record of the type you have identified above.

I am also advised that the method of search which you suggest would not produce the information with assured accuracy".

8. It also advised that if the complainant modified his request "*in a manner which would enable it to be serviced within the appropriate limit*" it would give it further consideration.

Scope of the case

9. On 6 September 2012 the complainant contacted the Information Commissioner to complain about the way his request for information had been handled.
10. The Information Commissioner confirmed that he would consider the public authority's application of section 12(1).

Reasons for decision

Section 12 – cost of compliance

11. Section 12(1) states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
12. When considering whether section 12(1) applies, the authority can only take into account certain costs, as set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ('the Regulations').
13. Paragraph 4(3) of the Regulations states:

"In a case in which this regulation has effect, a public authority may, for the purpose of its estimate, take account only of the costs it reasonably expects to incur in relation to the request in-

 - (a) determining whether it holds the information,*
 - (b) locating the information, or a document which may contain the information,*
 - (c) retrieving the information, or a document which may contain the information, and*
 - (d) extracting the information from a document containing it."*
14. The Regulations state that the appropriate cost limit is £600 for central government, legislative bodies and the armed forces, and £450 for all other public authorities. The cost limit in its case is £450, which is equivalent to 18 hours' work.

15. Section 12 of the FOIA makes it clear that a public authority only has to estimate whether the cost of complying would exceed the appropriate limit. It is not required to provide a precise calculation.

Number of records to be checked and cost estimate

16. The public authority advised the complainant that it does hold relevant information. During his investigation the Information Commissioner also established from the authority that:

"... the request relates to the number of crimes 'Reported', [the complainant] then lists a range of Home Office codes in relation to sexual offences and they have got to be 'taxi or private hire cab' related.

We have calculated that in the twelve month period there are 646 crimes in this category. Reported crimes would hold the place of offence, however this would relate to geographical area and there is no field that would accurately record whether the offence was taxi related. Officers would therefore not necessarily include this data on any methodology of the crime.

As it is a crime report it has no field to record the occupation or potential occupation of an alleged offender".

17. The public authority went on to clarify that the only searchable data regarding occupation would be found on its custody system. However, this system would only record details of those who had been arrested, not just crimes that had been reported, as specified in the wording of the request. Furthermore, in relation to the occupational data, it advised:

"... the occupation of taxi driver / private hire cab driver is often a part time job that is in addition to and not the main occupation of an individual arrested. Therefore the occupation recorded may not reflect the link to 'taxi', the fundamentals of the applicant request".

And,

"I am able to carry out a word search on 'taxi' across the crime categories the applicant has mentioned that will search for this word across the crime report. This would be feasible within the time limits, but as stated the subsequent data would not have any relevance as it may be totally inaccurate".

18. It went on to conclude that:

"We have read through a sample of three crime complaints of this nature, that are recorded on our system. Data that is held on the Computer system consists of access to the original command and control print and a MO of the crime (brief description of the method), this data took, in its simplest of forms, approximately 2 minutes to read. The manual crime files are either, with the case officer if its [sic] live, with our Crime Management unit if charged and still not dealt with, or our archive unit if undetected or detected and completed. By the nature of these offences to manually read a file statement would take a minimum of 5 minutes. In order to establish the data that the applicant has requested in an accurate way the data held on the computer is likely to be insufficient and manual checking of the file is the only accurate way of producing this data. This is because the way that the computer data is held does not have the relevant search fields to input the data requested".

19. The Information Commissioner notes that 646 records have been located searching with the offence codes provided by the complainant. He understands that the public authority could also undertake searches using the free text relating to 'taxis' that the complainant has suggested but that this is unlikely to be recorded within the crime as there is no field within the crime system that would warrant such text. Whilst such a search may have some results it would not be accurate and the only way of accurately collating the information would be to read through each crime report and retrieve the related crime file. As estimated by the public authority, he considers that 2 minutes per crime record to read whether it may be relevant is reasonable. This equates to 1292 minutes, ie just short of 22 hours, and this is without the further verification that the public authority has advised would be necessary to provide accurate results.
20. The Information Commissioner notes that the complainant has had some information provided by other police forces. However, it is important to note that forces have different information systems. Therefore, although other forces may be able to provide some information it does not follow that they can all provide similar responses.
21. Having considered the estimates provided the Information Commissioner finds that they are realistic and reasonable. He therefore accepts that to provide the information would exceed the appropriate limit.

Section 16 – advice and assistance

22. Section 16(1) of the FOIA provides that a public authority is required to provide advice and assistance to any individual making an information request. In general where section 12(1) is cited, in order to comply with this duty a public authority should advise the requester as to how their request could be refined to bring it within the cost limit, albeit that the Information Commissioner does recognise that where a request is far in excess of the limit, it may not be practical to provide any useful advice.
23. In this case the public authority has explained to the complainant about how the information is held and why compliance would exceed the limit. He notes that it does not suggest how he may refine his request although it does advise, as shown in paragraph 8 above, that it would reconsider any modified request.
24. The Information Commissioner cannot see any easy way in which the complainant's request could be refined. He does, however, note that in some of the other requests he has made the complainant has used different wording – referring to where a taxi or private hire driver has been implicated as the offender - as opposed to the more generic wording in this request, which refers to reported crimes which are related to taxis and private hire cars. Whilst the public authority was under no obligation to suggest that it would be able to respond to this differently worded request, the Information Commissioner did ask whether that was the case. The public authority indicated:

"Clearly the manner of the request you have found is different to our request from [the complainant]. Based on 'offender' category we would search on our Custody systems under the offence type and occupation and we can do this in the time scales. This would give arrest data which you could argue is the Potential offender category, but clearly they [sic] may be some missed if the occupation field on custody does not reflect the occupation correctly (ie the argument that Taxi driving may not ne [sic] their only occupation or main occupation) and we would put a proviso down to this effect".
25. The public authority did offer to respond to a modified request, if one were sent, and tried to explain how the requested data is held on its systems. Although it would have been helpful had it advised the complainant how many records were held and how long it would take to check whether these related to his request, based on the wide-ranging wording of this request, the Commissioner concludes that there was no easy way for the public authority to suggest how the

complainant could refine it. He therefore finds there was no breach of section 16.

Right of appeal

26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any notice of appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

**Jon Manners
Group Manager
Information Commissioner's Office
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SK9 5AF**