

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 August 2016

Public Authority: Commissioner of the Metropolitan Police Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested figures connected to monthly numbers of arrests of people suspected of helping to support or plot with the Islamic State over the last two years. The Metropolitan Police Service (the 'MPS') advised that to comply with the request would exceed the appropriate limit at section 12(1) of the FOIA. The Commissioner is satisfied that this has been properly relied on and no steps are required.

Background

2. The responses made by the MPS refer to two of its systems, CRIS and CRIMINT.
3. In respect of these it has explained:

CRIS (Crime Reporting Information System)

The crime reporting information system is an electronic management system for the recording and processing of crime in the MPS.

CRIS is a web based tool that allows users to create, update and view any crime report, access permitting. The search facilities can be used to perform crime pattern analysis or return stolen property to victims. The CRIS system automatically transfers crime reports within the MPS and allows information to be added directly to CRIS reports. CRIS, although first thought about in 1978 it was

introduced into the MPS 31st March 1992 and fully operational October 1996.

CRIMINT

Crimint is one of the MPS's intelligence systems and provides a means to store, manage, protect, review, retrieve, display, disseminate and print information. These permissions are dependent on the individual user access level. The application is primarily designed to allow the following functions to take place in a secure IT environment:

- *Submission of raw information in the form of Information Reports, up to the GPMS level of CONFIDENTIAL.*
- *Structuring and organising of intelligence data and management of this in the form of MPS Intelligence Records.*
- *Linking of reports and records based on associations within the data.*
- *Searching of stored intelligence data, whether in the form of records or reports.*
- *Research and analysis of stored MPS intelligence.*

4. It also explained that: *"A CRIS record will be created to record allegations of crime made to the MPS, including of course, those connected with Counter Terrorism related offences".*

Request and response

5. On 2 December 2015, the complainant wrote to the MPS and requested information in the following terms:

"Under the Freedom of Information Act 2000, please can you provide me with:

The monthly number of arrests of people suspected of helping to support or plot with the Islamic State for each of the last two calendar years up until this request is answered. Please can you break down the monthly figures by age bracket (10-19, 20-29, 30-39, 40-49, 50-59, 60-69 and over 70) and gender.

If you need any clarification then please email me.

Under your section 16 duty to provide advice and assistance I would expect you to contact me if you find this request unmanageable in any way so we can negotiate how best to proceed".

6. The MPS responded on 30 December 2015. It stated that to comply with the request would exceed the cost limit at section 12(1) of the FOIA. It explained that Counter Terrorist Command (CTC) had made more than 5,000 entries in CRIMINT in the previous year and that any of these might be relevant to his request. It also explained that in order to obtain the information requested it would need to cross match the name of any individual arrested with CRIMINT to ascertain their age and gender. It suggested that were he to narrow the time frame then this may not exceed the limit but that other exemptions may apply.
7. The complainant did not narrow his request and specifically disputed the citing of 5,000 records saying:

"I would like to appeal this request how are there 5,000 entries that are relevant to this request? There cannot have been 5,000 arrests".
8. The Commissioner would here note that the MPS did not state that there had been 5,000 arrests. As can be seen above, it stated that there were 5,000 intelligence entries submitted by CTC onto the CRIMINT system which might contain information relevant to the request.
9. Following an internal review the MPS wrote to the complainant on 8 January 2016. It maintained its position.

Scope of the case

10. The complainant contacted the Commissioner on 11 January 2016 to complain about the way his request for information had been handled. He did not agree with the citing of section 12(1) because of the number of records that the MPS said it would have to take into consideration.

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'). These are:

- (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."*

13. 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 this case is £450, which is equivalent to 18 hours' work.
14. 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. The task for the Commissioner here is to reach a conclusion as to whether the cost estimate made by the MPS was reasonable; whether it estimated reasonably that the cost of compliance with the request would exceed the limit of £450, that section 12(1) therefore applied and that it was not obliged to comply with the request.
15. In responding to the complainant the MPS advised him that the cost threshold would be exceeded because the information requested is not held in a format which would allow it to ascertain the ages and gender of those who had been arrested as they had been suspected of helping to support or plot with Islamic State. It went on to explain that:

"In order to obtain this information we would need to conduct a search of the MPS' corporate intelligence system, CRIMINT, relating specifically to those entries created by staff within the Counter Terrorism Command (CTC).

CRIMINT's key capability is the recording and searching of intelligence on 'Information Reports'. Within CTC there were over 5,000 CRIMINT entries made last year, which might be relevant to your request. Therefore, in order to obtain the information you have requested we would need to cross match the name of the individual arrested with CRIMINT to ascertain their age and gender. If it took us 5 minutes to review each record to ascertain whether it was relevant to your request, then the cost threshold would be exceeded very quickly".

16. By way of further explanation in this case the MPS advised the Commissioner that by accessing its Crime Reporting Information System (CRIS) it had:

"... been able to obtain details, broken down as requested, of terrorist related arrests. What these figures do not indicate is whether or not the arrest relates to 'people suspected of helping to support or plot with the Islamic State'. In order for the reasons behind each arrest to be discovered, each and every arrest CRIS would need to be examined in order to find out the background for the arrest and in this, you would then discover whether the arrest was directly related to [the complainant]'s request.

However, to discover this aspect using the CRIS report alone it is estimated that to log on the system and open each individual case, once open, examine the Dets screen/s (pages containing free text detailing the circumstances and actions throughout the life of the crime), is estimated at a minimum of three minutes per crime report. This would, in accordance with the actions described at Regulation 4(3), take in excess of the 18 hours allowed and even then, to determine without doubt as to whether or not an arrest was connected with any effort to support or plot with Islamic State, any intelligence reports (CRIMINT) behind each CRIS report would need to be checked and examined. And it is this element that brings into play the previously mentioned 5,000 reports within the initial refusal and internal review ..."

17. It is therefore clear to the Commissioner that the 5,000 records which need to be considered in order to comply with the request are not records of 5,000 arrests. Rather they are records which may contain information about arrests which are relevant to the request and will therefore need to be considered.
18. Having considered how the MPS records information which would provide the requested information and the estimates provided, the 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

19. 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 Commissioner does recognise that where a request is far in excess of the limit, it may not be practical to provide any useful advice.
20. In this case the MPS has explained to the complainant how the information is held and why compliance would exceed the limit. It

advised the complainant that reducing the timeframe of the request might bring it within the cost limits and, in doing so, the Commissioner is satisfied that it has provided adequate advice.

Right of appeal

21. 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,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

22. 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.
23. 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

Carolyn Howes
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