

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 14 July 2011

Public Authority: Kent Police
Address: Police Headquarters
Sutton Road
Maidstone
Kent
ME15 9BZ

Summary

The complainant made a request under the Freedom of Information Act 2000 (the "Act") to Kent Police (the "public authority") for information about a mapping system which it had ceased to use in 2004. The public authority provided some general comments but stated that no further information was held. The Commissioner has considered the arguments put forward by the public authority and his decision is that the public authority has demonstrated that, on the balance of probability, it holds no further information. The complaint is not upheld.

The Commissioner's role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

Background

2. The request concerns a geographic information system ("GIS") mapping system which was apparently used by the public authority in 2002, at the time of a fatal road traffic accident. The complainant has been in correspondence with the public authority for some time regarding the accident and the GIS in use. He has raised concerns

regarding what he terms 'flawed software', which he believes misrepresented the circumstances of the accident.

3. In its refusal notice the public authority advised the complainant as follows:

"The mapping system used at the time was SDR Map. Unfortunately it is unknown when this system was first used, however, we understand that it pre-dated 2001.

The system worked as follows. The scene would be surveyed using a theodolite to plot points. The points were converted by the SDR Map system to produce lines and symbols. The centre white line would have been drawn as a pattern line. Where the line was curved, the system would generate a best-fit curve. The line itself would not be used in order to take measurements. Any anomalies in the plan would be addressed and rectified in the crash investigator's report.

SDR Map ceased to be used during 2004 as a result of the change in computers used generally by Kent Police, not as a result of any shortcomings in SDR Map. The system currently used is called Geosite".

4. The system currently in use is Geosite 5.1. The following link provides some background information about this system:

http://www.korecgroup.com/files/downloads_file-108.pdf

The request

5. In a letter to the public authority dated 29 October 2010, the complainant referred to a previous letter which he had received from the public authority which mentioned: *"the computer system that was in use by Kent Police at the time of the original investigation [i.e. 2002]";* he asked that it release *"details relating to the computer system used"*.
6. In a response dated 3 November 2010 the public authority summarised the request, in line with the Act, as being for: *"information regarding a computer system formerly used by Kent Police"*; the computer system being identified as SDR Map (the "System").

7. On 11 November 2010 the public authority advised the complainant that it had not used the System since 2004 and it no longer held any information about it.
8. The complainant subsequently undertook some background research in an effort to find further information about the system. He was advised by a third party (unconnected with the public authority) that SDR map had not been in production for about 10 years and that it was neither sold nor supported in the UK or elsewhere as it did not work with a Windows operating system. Consequently, on 15 November 2010, the complainant wrote to the public authority saying: *"... I would suggest visit [sic] the KP [Kent Police] Archives to pin down the correct information relating to this important matter of what mapping system was being used by the KP..."*.

9. On the same day, the public authority advised the complainant:

"notwithstanding the comments from [the third party] SDR Map was indeed used at the time according to officers in the relevant department with experience of that system".

10. By return the complainant stated:

"I find it difficult to comprehend your statements. You, the team you advise confirmed to me that the KP did use this system to map accidents and that it was only decommissioned a short while ago therefore it is logical that records would exist regarding the software".

11. Still on the same day the public authority advised is:

"I have checked with relevant departments and there is no documentation regarding SDR Map which ceased to be used in 2004. Documents are not routinely kept any longer than is necessary".

The investigation

Scope of the case

12. On 13 December 2010 the complainant wrote to the Commissioner to complain about the way his request for information had been handled.

13. On 31 May 2011 the Commissioner wrote to the complainant. He confirmed with the complainant that he would consider whether or not the public authority held any information about the System.

Chronology

14. On 1 June 2011 the Commissioner commenced enquiries with the public authority.
15. On 22 June 2011 the public authority provided a full response.

Analysis

Substantive procedural matters

Section 1 – general right of access

16. Section 1(1) states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him”.

17. In this case, the Commissioner has considered whether the public authority has complied with section 1(1)(a) of the Act in stating that it did not hold any information in accordance with the request. In order to do this the Commissioner has considered whether any information is held by the public authority.
18. The Commissioner is mindful of the Tribunal's decision in *Bromley v the Information Commissioner and the Environment Agency (EA/2006/0072)* in which it was stated that *“there can seldom be absolute certainty that information relevant to a request does not remain undiscovered somewhere within a public authority's records”*. It was clarified in that case that the test to be applied as to whether or not information was held is not certainty but the balance of probabilities. Therefore, this is the test the Commissioner will apply in this case.

19. In discussing the application of the balance of probabilities test in the above case, the Tribunal stated that:

"We think that its application requires us to consider a number of factors including the quality of the public authority's initial analysis of the request, the scope of the search that it decided to make on the basis of that analysis and the rigour and efficiency with which the search was then conducted. Other matters may affect our assessment at each stage, including for example, the discovery of materials elsewhere whose existence or content point to the existence of further information within the public authority which had not been brought to light. Our task is to decide, on the basis of our review of all of these factors, whether the public authority is likely to be holding relevant information beyond that which has already been disclosed."

20. The Commissioner has therefore taken this into account in determining on the balance of probabilities whether or not the requested information was held.

21. Noting that it had stated that it holds no information, the Commissioner asked the public authority to explain how it was able to provide the background information in paragraph 3 above. He was advised:

"The source of the information provided to [the complainant] was PC [name removed] in Kent Police's Serious Collision Investigation Unit (SCIU). This was the department identified as being best placed to provide the information requested. Enquiries were also made with the Information Services Department (ISD) which deals with communication and technology..."

In order to assist your investigation and to ensure that we have discharged our duties completely, further enquiries have been made of the SCIU, ISD, Procurement and Finance Departments. All confirmed that no information is held regarding SDR Map".

22. The public authority also provided the Commissioner with an audit trail of personnel contacted by email to evidence its enquiries. These are some extracts from the emails:

Forensic Collision Investigations

"SDR Map was the survey software we used at the time of the accident ...

I am not fully au fait with the technology involved but essentially when the computers in force were updated around 2004/2005 we had to update our software. Whilst there was nothing wrong with SDR Map, in fact it was simple [sic] but effective method of delivering crime scene plans, the new computers came a [sic] new operating system which was incompatible with the SDR Map programme – essentially it was so old it simply would not work.

We moved to a new software package called Geosite 4 simply because it was compatible with the new operating system”.

Procurement Services

“The mapping system you refer to ... is not one that I have any recollection of at all unfortunately.

... records dating back to 2004 would no longer be kept due to the passage of time. We have a disposal / retention system for the items held at [our long term off-site storage] that states that contract information would be kept for the duration of the contract which is usually 3 years plus one additional year.

[We] checked our single tender application file ... and the list of information held at [our long term off-site storage] and could find no records of such a purchase. It is possible that ISD may well have made a purchase without the involvement of the Procurement Department, so it may be worth seeing if any records are still held by them”.

23. The public authority also confirmed that it had spoken to staff in its ISD who had no knowledge of the System.

Conclusion

24. In coming to a conclusion in this case the Commissioner has taken into account the explanations provided by the public authority as well as the Tribunal decision highlighted above. He notes that the public authority has sought confirmation from a variety of its personnel, all within departments which the Commissioner believes would be likely sources where information still to be held. The Commissioner notes that off-site storage has been checked and also that contract information would not be expected to be kept for more than the duration of the contract plus one year.

25. Accordingly, the Commissioner considers that on the balance of probabilities the requested information is not held.

The Decision

26. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps required

27. The Commissioner requires no steps to be taken.

Right of Appeal

28. 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@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

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.

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

Dated the 14th day of July 2011

Signed

**Jon Manners
Group Manager**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**