

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 June 2022

Public Authority: Chief Constable of Humberside Police
Address: Sensor House
Beverley
HU17 0RH

Decision (including any steps ordered)

1. The complainant requested crime statistics for a number of specified areas covering a two year period.
2. Humberside Police provided the information it holds that falls within the scope of the request. The complainant disputed the amount of information disclosed.
3. The Commissioner's decision is that, on the balance of probabilities, Humberside Police does not hold further information within the scope of the request.
4. The Commissioner requires no steps to be taken as a result of this decision.

Request and response

5. On 3 June 2021, using the 'whatdotheyknow' website, the complainant wrote to Humberside Police and requested information in the following terms:

"Please provide the crime statistics for the following five wards in Hull for the period covering the last two years of data available: Beverley and Newland ward, Central ward, Southcotes ward, St. Andrews and Docklands ward, Newton and Gypsyville ward.

If the cost of processing the information is prohibitive then please restrict the data to the first two wards.

The data should comprise reported incidents by two distinct groups of residents living in:

(i) single dwelling (family) homes and,

(ii) shared rented accommodation, where the reports involve crimes or ASB [anti social behaviour] perpetrated by people living in the same household?

Please specify/describe the categories of incidents reported in as fine a granularity as possible".

6. The complainant specified the way in which they would like the information to be provided. This appears on 'whatdotheyknow' as:

<PERIOD OF TIME>; <WARD NAME>

<Category of crime>; <# of reports in single dwellings>; <# of reports in shared rented accommodation>; <total # of incidents reported for this category>

7. They also clarified:

"Just to avoid confusion - the reports by both groups of households should include those where the perpetrators belong to the same household as the person reporting the incident".

8. Humberside Police responded on 14 June 2021. It provided information within the scope of the request. The complainant expressed dissatisfaction with that response on 15 June 2021.

9. Following an internal review, Humberside Police wrote to the complainant on 14 July 2021. It revised its position, clarifying its response with regard to Central ward and providing a spreadsheet which included a breakdown by type of crime.

Scope of the case

10. The complainant contacted the Commissioner on 19 July 2021 to complain about the way her request for information had been handled.

11. She was unhappy with the time taken to process the internal review request. When crime statistics information was provided, she was dissatisfied that:

- it did not show the breakdown for separate years;
- it did not contain revised figures for single dwellings; and

- it did not contain figures for Central ward.
12. The Commissioner wrote to the complainant addressing each aspect of her complaint.
 13. The complainant was dissatisfied with the Commissioner's observations, specifically disputing his findings with regard to the interpretation of the request, the amount of information provided about Central ward and the timeliness of the internal review.
 14. The Commissioner continued with his investigation in light of the above.
 15. The analysis below considers whether Humberside Police holds any further recorded information falling within the scope of that part of the request relating to crime data for the Central ward of Kingston Upon Hull.
 16. The Commissioner has addressed the manner in which Humberside Police provided the information it holds to the complainant in 'Other matters' below. He has also addressed the timeliness of the internal review in 'Other matters' below.

Reasons for decision

Section 1 general right of access

17. Section 1 of FOIA 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".

18. In scenarios such as this, where there is some dispute between the public authority and the complainant about the amount of information that may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities.
19. For clarity, the Commissioner is not expected to prove categorically whether further information is held, he is only required to make a judgement on whether further information is held on the civil standard of the balance of probabilities.
20. In this case, the Commissioner has sought to determine whether, on the balance of probabilities, at the time of the request, Humberside Police

held further information within the scope of that part of the request relating to the crime statistics for Central ward.

21. In deciding where the balance of probabilities lies, the Commissioner will consider the complainant's evidence and arguments. He will also consider the searches carried out by the public authority, in terms of the extent of the searches, the quality of the searches, their thoroughness and the results the searches yielded. In addition, he will consider any other information or explanation offered by the public authority which is relevant to his determination.

The complainant's view

22. The complainant told Humberside Police that she had consulted crime statistics from other sources on the Internet. She said that statistics for Central ward were present in data on one site which the source claimed originated from Humberside Police.
23. In correspondence with the Commissioner, the complainant expressed surprise that no information was held by Humberside Police relating to Central ward, "which has existed since 2018".
24. Describing Central ward as a densely populated urban area, she posed the question:

"How likely is it that within a two year period no one has reported any crime??? That doesn't happen in any city. Even if there were no reported crimes, I would have expected to be alerted to that fact in the first response".

Humberside Police's view

25. As is his practice, the Commissioner asked Humberside Police to revisit its handling of the part of the request under consideration in this case. He also asked it to explain what enquiries it had made in order to reach the view that it does not hold further information within the scope of that part of the request.
26. He did so with a series of detailed questions. These included asking Humberside Police about the searches that had already been undertaken. He also asked whether any recorded information was ever held relevant to the scope of the complainant's request, but deleted or destroyed.
27. In its submission, Humberside Police confirmed it had re-visited its handling of the request.
28. With respect to the searches that had been conducted, Humberside Police told the Commissioner:

"A search was made for relevant data for the five wards using an Oracle BI [Business Intelligence] report. It was identified that Central is not a ward we use in our system, so could not be searched for.

[The complainant] was advised that Central is not a ward we use in our system, therefore data could not be identified.

In the internal review [the complainant] asked for the area surrounding Spring Bank, Hull now covered by the new Central ward to be searched for.

The Performance and Demand Team were asked if this could be reviewed. A further search was conducted and an assessment made for data which would potentially be classed as the 'Central Ward'. However when checking crime reports where the victim and suspect address is the same it provided a nil response. [The complainant] was advised of this in the Internal Review response".

29. In addition to confirming that the relevant team had been involved in the searches, Humberside Police told the Commissioner:

"A discussion took place with the statistician to establish how the data could be searched for".

30. Humberside Police also told the Commissioner "the MO [Modus Operandi] of each crime report was checked to ensure it met the requirements of the request".

The Commissioner's view

31. The Commissioner's role is not to consider whether a public authority should hold information that has been requested but whether, on the balance of probabilities, it does or does not hold it.
32. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that the public authority holds no further relevant information. However, as explained earlier in this notice, the Commissioner is required to make a judgement on whether further information is held on the civil standard of the balance of probabilities.
33. In reaching his decision in this case, the Commissioner has taken account of the arguments put forward by the complainant and the explanations provided by Humberside Police.
34. He also considered the correspondence between the two parties, including where Humberside Police explained to the complainant the way

in which the searches were conducted, the keywords used and how it took into account suspect and victim addresses.

35. The Commissioner accepts that the requested information is clearly of interest to the complainant. He recognises that she considers it unlikely that Humberside Police does not hold further, relevant, information.
36. However, having considered Humberside Police's response, and on the basis of the evidence provided to him, the Commissioner is satisfied that, on the balance of probabilities, at the time of the request, Humberside Police did not hold further information falling within the scope of the complainant's request.
37. He is therefore satisfied that Humberside Police has complied with the requirements of section 1 of FOIA in this case.

Other matters

Did Humberside Police disclose the information it holds in accordance with FOIA?

38. The request in this case was for crime statistics "for the period covering the last two years of data available".
39. The complainant is dissatisfied with the way in which Humberside Police provided the information to her, describing it as being "lumped together for both years".
40. When requesting an internal review, she told Humberside Police:

"I asked you to supply the data broken down by time period and you have supplied all the data in one set with no indication of the time period to which the stats correspond".
41. Similarly, she told the Commissioner:

"They could have broken down the data into 12 month, monthly or quarterly periods. Just providing a dump of data for the two year period does not match my request....".
42. While he acknowledges that, when making her request, the complainant said that she would like the information provided in a particular way, the Commissioner has taken into account that she simply specified "PERIOD OF TIME".
43. In correspondence with the Commissioner, Humberside Police told him:

“[The complainant] requested the data over a 2 year period, a specific ‘broken down period’ was not stipulated. The data was therefore provided from 1st June 2019 and 21st June 2021”.

44. The Commissioner recognises that, when disclosing information to the complainant, Humberside Police did not explicitly cite the timeframe covered by the disclosure. However, he is satisfied that the wording of the request was clear and that Humberside Police read the request objectively.
45. He is satisfied that, in providing information within the scope of the request to the complainant, Humberside Police provided the information in accordance with the wording of the request.

Timeliness of internal review

46. The Commissioner acknowledges that the complainant is dissatisfied with the length of time Humberside Police took with regard to the internal review.
47. The Commissioner re-iterates what he previously told the complainant, namely that he cannot consider the amount of time it took a public authority to complete an internal review in a decision notice because such matters are not a formal requirement of FOIA. Rather, they are matters of good practice which are addressed in the code of practice issued under section 45 of FOIA which suggests that internal reviews should be responded to within 20 working days, and if complex it is best practice for any extension to be no longer than a further 20 working days.

Right of appeal

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

49. 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.

50. 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

**Laura Tomkinson
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