

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 March 2023

Public Authority: Chief Constable of Greater Manchester Police
Address: GMP Headquarters
Central Park
Northampton Road
Manchester
M40 5BP

Decision (including any steps ordered)

1. The complainant requested information from Greater Manchester Police (the public authority). The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority complied with its obligations under section 16 of FOIA to offer advice and assistance.
2. The Commissioner does not require the public authority to take any steps.

Request and response

3. By way of background, the complainant had previously submitted the following request to the public authority:

"Question 1a

If Greater Manchester Police flags antisemitic crimes separately, please provide us with:

- The total number of antisemitic crimes recorded in each month of 2018, 2019 and 2020;

- The total number of antisemitic violent crimes recorded, in each month of 2018, 2019 and 2020, which fell into the Home Office categories of "homicide", "violence with injury" and "racially or religiously aggravated assault without injury";
- The total number of antisemitic crimes, in each month of 2018, 2019 and 2020, that resulted in charges being brought; and
- The total number of antisemitic non-criminal incidents recorded in each month of 2018, 2019 and 2020.

Question 1b

If Greater Manchester Police does not flag antisemitic crimes separately, please search for crimes and non-criminal incidents in your CRIS using the following whole keywords (i.e. not parts of words, but whole words, so that when you search for "Jew", entries containing "jewellery" are not returned). Since use of all the keywords might prevent you from answering this FOI request due to excessive cost, please only use the keywords (starting at the top) that can be used without incurring excessive cost.

- The keywords are:
- Jew/Jews/Jewish/Judaism
- Semite/Semitic/Semitism
- Antisemite/Antisemitic/Antisemitism
- Yid/Yids/Yiddo/Yiddish

When responding to Q1 or Q1a, please use the following table format, with the following headings:

- Month
- Number of antisemitic crimes recorded
- Number of antisemitic crimes involving allegations of violence*
- Number of antisemitic crimes resulting in charges being brought
- Number of antisemitic incidents reported

*For the purpose of this request, antisemitic crimes involving allegations of violence are those antisemitic crimes which fell into the Home Office categories of "homicide", "violence with injury" and "racially or religiously aggravated assault without injury".

Question 2

Please provide us with the name, e-mail address and telephone number of Greater Manchester Police's single point of contact (SPOC) for antisemitic crime, or if Greater Manchester Police does not have a SPOC specifically for antisemitic crime, then please provide the name, e-mail address and telephone number of the SPOC for hate crime generally."

4. The public authority responded in relation to part 1b rather than 1a of the above request, refusing to provide the information as it said it would exceed the cost limit and this decision was upheld at internal review.

5. On 19 July 2021, the complainant wrote to the public authority as follows:

"Many thanks for your review. My understanding is that Greater Manchester Police do flag antisemitic crime separately. In this case, a manual search/key word search will not be necessary. You can simply extract the data as requested in our FOI email (Q1a)."

6. The public authority treated the above email as a new request for information in relation to the information detailed at part 1a above. The public authority refused to provide the requested information, citing section 12 (cost limit) of FOIA as its basis for doing so and advising the complainant that:

"... although GMP do flag Anti - Semitic crimes and incidents we are unable to search for them on GMP's new system therefore, GMP does not hold the information that you have requested in an easily retrievable format. To provide the data requested would involve a manual review of all crimes recorded by GMP between the dates stated. There are hundreds and thousands of crimes recorded by GMP each year and therefore to manually review each crime would exceed the time and cost restraints defined within the FOI legislation. As such, it is anticipated it would take in excess of 18 hours to provide the requested information ..."

7. On 10 August 2021, the complainant requested an internal review, questioning GMP's confirmation that it did flag antisemitic crimes but then could not collate statistics about the crimes recorded.

8. The public authority provided its internal review decision on 1 April 2022, upholding the application of s12(1) of FOIA and advised:

"... This is due to the data you have requested is not held centrally. There are hundreds of thousands of crimes per year and due GMP's new performance system we are not able to search for the information you are requesting to establish if it relates to anti-Semitic hate crime ..."

9. The complainant contacted the Commissioner on 27 June 2022, to complain about the public authority's handling of their request for information.

10. The Commissioner wrote to the public authority on 5 December 2022 and again on 21 February 2023, asking it to provide its full and final reasoning with regard to its handling of this request.

11. On 28 February 2023, the public authority responded to the Commissioner, to advise that:

"... the relevant anti-Semitic fields are now available for use in GMP's system. Although to accurately retrieve the requested information, we would still need to manually review and search for these records, which would exceed the appropriate cost limit.

For simplicity, the time taken for retrieval, review and validation can be seen below:

1. Searching the number of records took 2 hours to complete.
2. The number of records would need to be manually reviewed and therefore would take 264.5 hours as an estimate, which is calculated on the basis that each record requires 5 minutes to review the modus operandi ("MO").

The information is stored on an electronic system, which requires manual searches to locate and review each record."

Reasons for decision

Section 12 – cost of compliance

12. This reasoning covers whether the public authority is correct to apply section 12(1) (cost limit) of FOIA to the request.¹ The appropriate limit² for the public authority in this case is £450 (18 hours at £25 per hour).

13. The public authority considers that the cost of complying with this request would exceed the appropriate limit under FOIA. It has explained that to provide an accurate response, it would need to conduct a manual review of its records and it has estimated this would take approximately 264.5 hours, which is well in excess of the cost limit.

¹ <https://www.legislation.gov.uk/ukpga/2000/36/section/12>

² <https://www.legislation.gov.uk/uksi/2004/3244/regulation/4/made>

14. The Commissioner is satisfied that the public authority's arguments above are justified because it has explained that its estimate is based on having carried out sampling exercises on previous requests of a similar nature, which indicated that it would take an average of 5 minutes per record to determine whether it was in scope of the request and even if the estimated timeframe was halved, it would still far exceed the cost limit. The public authority also confirmed that this was the quickest method of collating the information requested.
15. The Commissioner's decision is that the public authority was correct to apply section 12(1) of FOIA to the request.

Section 16(1) – The duty to provide advice and assistance

16. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice³ in providing advice and assistance, it will have complied with section 16(1).
17. The Commissioner notes that the public authority advised the complainant that:

“the information that you are requesting will need to be reduced to a much shorter time period or to be limited to a specific event.”
18. The Commissioner is therefore satisfied that the public authority met its obligations under section 16 of FOIA.

³ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Right of appeal

19. 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

20. 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.
21. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
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Cheshire
SK9 5AF