

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2023

Public Authority: Chief Constable of West Mercia Police
Address: West Mercia Police Headquarters
Hindlip Hall
PO Box 55
Worcester
WR3 8SP

Decision (including any steps ordered)

1. The complainant requested information from West Mercia Police (the public authority). The Commissioner's decision is that the public authority was entitled to refuse to confirm or deny whether it held information within the scope of the request, in accordance with section 12(2) (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. On 19 October 2022, the complainant made the following request for information to the public authority:
 - Please provide details of the results of your West Mercia Police Road Safety team (formally Safer Roads Partnership) in their casualty reduction activities in an anonymised excel spreadsheet format for all deployed resources for a five year period. Data to include site details, hours of operation, equipment deployed including home office certification, frequency of or dates of deployment to that site, individual vehicle monitored speeds (all speeds) within that period of operation, class of vehicle, speed limit in force.
 - Also any available, reports on the contribution of each site to the improvement of speed compliance and casualty reduction over the five year period, the fines and penalties imposed from each site, the safety schemes implemented and their cost as a consequence of the site monitoring and the improvements realised from that work, such work as better lineage, signage, gateway, roadside environment, pavement or carriageway works.
 - Please include the site specific risk assessments for five sites randomly selected for operations, including schematics for each site including the monitored area, method statement of operation / deployment, details of adjacent speed camera signage and seasonal visibility of the devices."
4. The public authority stated that it was unable to confirm or deny whether it held the information requested and applied section 12(2) of FOIA to the request.

Reasons for decision

Section 12(2)

5. This reasoning covers whether the public authority is correct to apply section 12(2) (cost limit) of FOIA to refuse to confirm or deny whether it holds information within scope of the request.¹ The appropriate limit² for the public authority in this case is £450.
6. The public authority considers that the cost of confirming or denying whether it holds information within the scope of this request would exceed the appropriate limit under FOIA. It has explained that the information requested is “not available in a readily retrievable format” and that to retrieve the information would involve a “manual trawl and search of those 5 years’ worth of records held by the Road Safety Team. For each year there are approximately 120,000 to 130,000 records and to review each individual record has been estimated at 1 minute per record which would exceed the time considerably”.
7. The public authority further advised the Commissioner that:

“As the appropriate limit is exceeded for question 1, we have not gone on to consider questions 2 or 3 but to answer these further time would need to be spent on then retrieving what information may be held.

The level of information being requested is extremely detailed and it is not possible to ascertain whether this is held without looking at the records individually. As part of the initial request and the internal review the Roads Safety team within West Mercia Police were contacted to see whether it was possible to complete this request. Even utilising an analyst within that team; the information is not available to hand and significant work would need to be undertaken in order to determine whether this is held. This is likely to be in the nature of weeks of full time work which is far beyond the appropriate limit.

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

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

The Department for Transport data mentioned by the applicant as part of their internal review request (link here) does not pertain to the same information being requested and is not relevant to the request.”

8. The Commissioner is satisfied that the public authority’s arguments above are justified because lengthy manual searches would be needed and the estimate of these is clearly significantly in excess of the cost limit.
9. The Commissioner’s decision is that the public authority has estimated reasonably that to confirm or deny whether it holds any information within the scope of the complainant’s request would exceed the appropriate cost limit. The public authority was therefore correct to apply section 12(2) of FOIA to the complainant’s request.

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

10. 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).
11. The Commissioner notes that the public authority was of the opinion that the request was so broad that it could not be refined in any meaningful way. The public authority advised the complainant that it had considered its duty to provide advice and assistance but had determined that “due to the volume of records that would need to be reviewed I am unable to identify information that could be supplied within the fees limit”. 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

12. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

13. 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.
14. 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
Wilmslow
Cheshire
SK9 5AF