

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 25 November 2013

**Public Authority:** Chief Constable of South Wales Police  
**Address:** Police Headquarters  
Cowbridge Road  
Bridgend  
CF31 3SU

#### **Decision (including any steps ordered)**

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1. The complainant requested various items of information for the last five years in respect of attacks on taxi drivers in South Wales and subsequent prosecutions. South Wales Police ('SWP') refused to provide the information by virtue of section 12 of the FOIA. The Commissioner's decision is that SWP was entitled to rely on section 12 of the FOIA. The Commissioner requires no steps to be taken.

#### **Request and response**

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2. On 17 February 2013, the complainant wrote to SWP and requested the following information:  
*"How many taxi and private Hire drivers have been attacked in South Wales, in the last 5 years. How many of them were from ethnic minorities? How many people were prosecuted for these attacks and charged?"*
3. SWP responded on 18 March 2013. It refused to provide the information citing section 12 of the FOIA.
4. Following an internal review SWP wrote to the complainant on 30 July 2013. It confirmed that it was still relying on section 12 of the FOIA to refuse to provide the information. However, in compliance with its obligations under section 16 of the FOIA, the complainant was offered the opportunity to refine his request to cover a shorter period of time. SWP also provided details of the number of occurrences for each financial year from 2008 to 2013.

## Scope of the case

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5. The complainant contacted the Commissioner on 3 August 2013 to complain about the way his request for information had been handled. In particular, he was not satisfied that his request for information had been refused.
6. The scope of the Commissioner's investigation will therefore focus on whether SWP were correct to rely on section 12 of the FOIA in relation to this request for information.

## Reasons for decision

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### Section 12 – cost of compliance exceeds the appropriate limit

7. Section 12 of the FOIA states that:

*"Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit."*

8. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the 'Regulations') sets the appropriate limit at £450 for the public authority in question. Under these Regulations, a public authority can charge a maximum of £25 per hour for work undertaken to comply with a request. This equates to 18 hours' work in accordance with the appropriate limit set out above.
9. A public authority is only required to provide a reasonable estimate or breakdown of costs and in putting together its estimate it can take the following processes into consideration:
  - (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.
10. In his assessment of whether SWP has correctly relied on section 12 of the FOIA, the Commissioner has considered the estimate provided by SWP at the time of its internal review.
11. SWP confirmed to the complainant that in order for it to retrieve the information in relation to the whole of his request it would need to

individually examine each occurrence recorded as '*violence with injury*' which contains the keyword '*taxi*' in the summary or Modus Operandi (MO) field.

12. A search for '*violence with injury*' containing the keyword '*taxi*' retrieved a total of 1,027 results. These were for the period between April 2008 and the end of January 2013.
13. SWP further estimated that it would take at least three minutes to examine one occurrence to retrieve the relevant information. It further explained that an examination of the occurrence would involve entering the eleven digit occurrence number into the search field. SWP would then need to read the summary to determine whether or not the occurrence was relevant to the complainant's request.
14. In the event that it was relevant, SWP would need to open the victim's person record to ascertain their ethnic origin and confirm their occupation. SWP would then need to view the person record for any arrested person or persons to establish if they had been charged for the offence.
15. In the event that the individual had been charged, it would need to open the court record result to identify whether each person charged was found guilty and prosecuted.
16. SWP therefore estimated that based on its estimate of three minutes per occurrence multiplied by the 1,027 results for the specified period, it would take at least 51 hours to comply with the request.
17. The Commissioner considers that the estimate provided by SWP represents a reasonable breakdown of costs. As the estimate of 51 hours is far in excess of the 18 hours provided for under the Regulations, the Commissioner is satisfied that SWP correctly relied on section 12 to refuse to provide the information in this case.

## Right of appeal

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18. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

19. 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.
20. 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 .....**

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