

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

### **Decision notice**

**Date:** 10 July 2024

**Public Authority:** National Police Chiefs' Council  
**Address:** 50 Broadway  
London  
SW1H 0BL

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

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1. The complainant has requested information about security / surveillance cameras imported from China, from the National Police Chiefs Council (the "NPCC"). Having initially advised that the information was not held, the NPCC revised its position and stated that to establish whether or not any information was held would exceed the cost limit at section 12(2) of FOIA.
2. The Commissioner's decision is that the NPCC properly relied on section 12(2) of FOIA; he also finds no breach of section 16 (Advice and assistance). The Commissioner does not require any steps.

#### **Request and response**

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3. On 1 March 2024, the complainant wrote to the NPCC and requested the following information:
  - "1. What is the percentage of security/surveillance cameras with Country of Origin China used by UK Police? How has this percentage changed between 2021 and 2024?
  2. What active steps has been taken on ending reliance on Chinese imports? What follow up steps are continuously being taken to ensure proper implementation long term? ("Project Defend")
  3. Has UK Police increased sourcing of UK/EU/US-manufactured security/surveillance cameras? If so, what percentage increase

since 2021? If not, provide percentage of decrease and reason for decrease

4. What active steps are being taken to stop sourcing the following types of products from China? Hikvision, Dahua and Huawei”.
4. On 19 March 2024, the NPCC responded. It advised that it did not hold any of the requested information.
5. The complainant requested an internal review on 19 March 2024. He said:

“The information I requested is basic in nature and pertains to a matter of public interest. If NPCC does not hold the records captured by my request, it raises serious concerns about the organization's ability to maintain accurate and complete inventory stock information as well as information security guidelines.

I would appreciate your assistance in escalating this issue as a complaint with NPCC. I expect NPCC to take this matter seriously and provide me with the information I have requested. Please acknowledge receipt of my email and inform me of the steps you will be taking to address this issue”.
6. The NPCC provided an internal review on 27 March 2024, in which it maintained its position.

### **Scope of the case**

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7. The complainant initially contacted the Commissioner on 27 March 2024, to complain about the way his request for information had been handled. His grounds of complaint were as follows:

“The public body says it does not hold the information and I disagree, or I believe it holds more information than it has sent.

The response to my FOI request was completely unhelpful, as not a single question was answered meaningfully. It's getting more important by the day to know that the Police is working to reduce Chinese imports of equipment such as security cameras and associated network devices. The information I have requested is of significant public interest”.
8. During the Commissioner’s investigation, the NPCC revised its position. It advised the complainant that it now wished to rely on section 12(2) of FOIA as it was not possible to establish whether or not it held any information within the cost limit.

9. The Commissioner asked the complainant whether this now satisfied his complaint. The complainant advised that he remained dissatisfied and said:

"I do not accept their position and I wish to proceed with an investigation, on national security grounds. It's imperative that we end reliance on security equipment from non-friendly countries and China in particular.

NPCC claims that they do not centrally store statistics on their equipment, but I do not accept this. If they do not know how widespread the issue is from a central level there won't be any improvements.

The first step to resolve the issue is for them to properly determine their inventory, which they claim is 'too expensive'. I don't accept this position. It's in the public interest and needs to be done".

10. The Commissioner will consider the citing of section 12(2) below.

## **Reasons for decision**

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### **Section 12 – Cost of compliance exceeds appropriate limit**

11. Section 12(2) provides that a public authority is not obliged to confirm or deny whether requested information is held if it estimates that to do so would incur costs in excess of the appropriate limit. In other words, if the cost of establishing whether information of the description specified in the request is held would be excessive, the public authority is not required to do so.
12. The appropriate limit is set at £450 for the NPCC by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the fees regulations). The fees regulations also provide that a cost estimate must be calculated at the rate of £25 per hour, giving an effective time limit of 18 hours.
13. Section 12(2) requires a public authority to estimate the cost of establishing whether or not the requested information is held, rather than to formulate an exact calculation. The question for the Commissioner here is whether the cost estimate by the NPCC was reasonable. If it is, then section 12(2) is engaged and the NPCC is not obliged to confirm or deny whether the requested information is held.
14. The NPCC has advised the complainant as follows:

"Your request is asking for information about security/surveillance cameras used by policing. This is a wide remit that will include a number of camera types spanning both covert and overt policing. For example hand held or wall mounted devices; cameras located in custody suites, on police buildings, mounted on drones or in police vehicles, to name a few.

There is no central function within the NPCC that captures this information across policing. However, searches have taken place across several portfolios in the first instance who confirm they do not hold information relevant to this request. That does not mean the information is not held, but, as the request covers such a wide remit, to ascertain whether the information is within any other portfolios will require exhaustive searches that would exceed the time parameters allowed under the FOIA legislation.

To determine whether information is held in the first instance, and in order to retrieve any possible information held, I would need to know which NPCC Coordination Committees, national policing leads, portfolios, working groups, sub-working groups and national projects to contact. Your request is very broad and may include many of the above and would by far exceed the cost threshold of 18 hours...

It may also be helpful to explain the structure of the NPCC. Chief Officers support the NPCC by taking responsibility for crime and policing issues from a national operational perspective. This work is managed through Chief Constables' Council, which provides the key decision-making forum for operationally independent Chief Constables to meet and agree common approaches and coordinate national responses.

The decisions made by Chief Constables' Council are progressed through 12 coordination committees. Each committee is led by a chief officer, supported by a number of portfolios also led by chief officers. For example, under the National Crime Coordination Committee there are individual leads for domestic abuse, violence against women and girls, drugs, and cybercrime.

The outputs of NPCC committees are disseminated across forces for implementation at the discretion of each operationally independent Chief Constable.

It is for that reason that your original request directed you to contact individual forces who may be able to assist with some of your request".

15. The Commissioner also enquired as to whether the NPCC had purchased any relevant equipment itself for use on its own premises. However, it

advised that its central office was in London on the floor of a building which is rented and not owned. Similarly, another office it uses is also rented and any cameras on the property are not the property of the NPCC. Therefore, it was unable to provide any information about its own equipment as it does not have any.

16. Having considered the rationale above, and with a lack of any reasonable argument to the contrary from the complainant, the Commissioner considers this estimate to be a reasonable one. The request is extremely broad and covers all UK police forces. Whilst some of those officers who engage with the NPCC may hold some information, to ascertain this information, which would be very limited at best, would readily exceed the cost limit.
17. Although the complainant clearly has a genuine interest in the subject matter, unfortunately the information sought is not centrally collated. When dealing with a complaint to him under FOIA, it is not the Commissioner's role to make a ruling on how a public authority deploys its resources, on how it chooses to hold its information, or the strength of its business reasons for holding information in the way that it does as opposed to any other way. Rather, in a case such as this, the Commissioner's role is simply to decide whether it can or cannot be confirmed that the requested information is held, within the appropriate costs limit.
18. The Commissioner therefore concludes that section 12(2) is engaged and the NPCC was not obliged to confirm or deny holding the information.

## **Section 16 – Advice and assistance**

19. Section 16(1) of FOIA provides that a public authority is required to provide advice and assistance to any individual making an information request. In general, where section 12 is cited, in order to comply with this duty a public authority should advise the requester as to how their request could be refined to bring it within the cost limit, albeit that the Commissioner does recognise that where a request is far in excess of the limit, it may not be practical to provide any useful advice.
20. In this case the NPCC has suggested to the complainant that he contacts individual forces and asks for their responses regarding any equipment they have themselves purchased, something which they may be able to achieve individually within the cost limit. However, the Commissioner notes that this is a very wide request and forces themselves may likewise be unable to provide what has been requested as the equipment may be used in many different areas of policing so may not be recorded in one place.

21. Although the NPCC has been unable to assist with narrowing the request sufficiently to allow disclosure of any information, the Commissioner recognises that, on this occasion, this has not been practicable. Policing systems have been designed for policing purposes and the information that the complainant requires is not readily accessible as it is not something which is required by the NPCC in the format that has been requested.

### **Other matters**

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22. For the complainant's information, the Commissioner enquired with the NPCC about "Project Defend", which is referred to in his request. The NPCC advised: "This is a Home Office initiative, I am not aware of it". However, it provided some weblinks to relevant information<sup>1,2</sup>.

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<sup>1</sup><https://www.export.org.uk/insights/trade-news/project-defend-new-approach-to-national-security-aims-to-diversify-supply-and-reshore-manufacture/>

<sup>2</sup>[https://assets.publishing.service.gov.uk/media/643fec716dda69000c11e0ae/Project\\_Defend.pdf](https://assets.publishing.service.gov.uk/media/643fec716dda69000c11e0ae/Project_Defend.pdf)

## **Right of appeal**

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23. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

24. 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.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Carolyn Howes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**