

PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE
POST LEGISLATIVE SCRUTINY - FREEDOM OF INFORMATION (Scotland) ACT
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The rejecting FOI requests by claiming it would be too expensive to respond.

I have two examples, from Police Scotland and COPFS whereby Freedom of Information requests were rejected, as they claimed it would be too expensive to find the answer. On both occasions I had to point out that there were cheaper ways to gather the information and as a result both subsequently provided the information requested.

The request to Police Scotland was; how many racial crimes have been committed by police officers?

Police Scotland responded and refused to answer the question because it would supposedly cost more than £600 to get the answer. Their reasoning was based on allegedly having to check of all 750,000 custody records over the past 5 years to find crime type and occupation.

I was told "If I was to use the example that it took 5 minutes to check each record in order to confirm the occupation field, to one degree or another, then calculations show that for the past five years (750,000 reports), it would take approximately 62,500 hours, and would cost approximately £937,500.00 to carry out this task."

But, is that the only way to find out the answer? Do you really need to check all 750,000 custody records? The answer is no.

The response from Police Scotland included a reference to data kept by the Scottish Police Authority on police officers subject to discipline. A check of that finds on 17/08/2016 there were 12 police officers suspended and 116 on restricted duties. There is data going back to 2013.

Many of those police officers can be excluded because the discipline is for crimes that are not going to have a racial aggravation, like theft. So, just check those custody records. It will be around 50 records at the most. The costing assumed by Police Scotland is £15 an hour doing 12 checks per hour. At that rate, it would cost about £625 to check 500 custody records. I am sure that with the names provided by the SPA, far more than 12 checks could be done in an hour.

However, checking custody records is not the only way to find out the answer. It is not even a reliable way of finding the answer, because it assumes the record has been updated to show there was a racial element to the crime. With the names of the police officer checks could be made with –

- 1 - Police Scotland Professional Standards Department keep records, or at least they should if they are complying with Data Protection and they could do a check.
- 2 - The Crime Management System records if a crime has a racial aggravation.
- 3 - PNC shows up if there is a racial aggravation to the crime. PNC operators could check those records in minutes rather than hours.

I had a similar issue with COPFS. I requested details of the number of assaults on the police and resist arrest charges per year 2012 to 2018.

The first request was declined due to cost, but COPFS stated they could provide me with 2 years figures, 2012 to 2014. I then submitted three separate requests, each for two years to cover 2012-18.

Each of those separate requests were accepted and I got the information requested.

There should be a requirement for any cost rejected FOI request to evidence that all methods of searching data systems have been considered. A cost rejection should only be allowed if even the cheapest method of gathering the information is still too expensive.