

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by 'HMP Britain' (CR12997)

Responding Unit: Public Order Unit (POU)

Chronology

- Original Fol request: 27th September 2009
- Deadline: 26th October 2009
- POU response: 15th October 2009
- Request for Internal Review: 26th October 2009

Subject of request

1. 'HMP Britain' submitted a request under the Freedom of Information Act (the Act) to the Home Office on the 27th September 2009 for the release of unpublished Police use of Taser statistics. The full text of the request is attached at Annex A to this report, but the request was split into three separate parts:
 - i. *The data set you publish on Taser use is very basic. It only contains accumulative totals of Taser usage. I would like to know, for example, how many children were electrocuted by a given force in March 08....Do you have a dataset that I can interrogate to find this, and similar answers?*
 - ii. *I would be interested in receiving information as to the accuracy of the Taser when shot by the police.*
 - iii. *How is the report into Taser use (such as the one mentioned above published 17th Aug) compiled? How do you collect the data and who sends it to the Home Office?*
2. According to their profile on the *whatdotheyknow.com* website, 'HMP Britain' is a group of citizens who, through their blog-site (<http://www.hmpbritain.co.uk/>), submit Fol requests as a group to avoid the accusation that requests are distributed between individuals to avoid attracting the Fol cost limit.
3. Taser is a less-lethal option for police when dealing with violent or threatening situations. Taser is approved for use only by Authorised Firearms Officers and other Specially Trained Units in forces. Both ACPO and the Home Office keep records of each instance in which police officers use Taser.
4. Taser use is defined by ACPO Operational Guidance December 2008 policy section 5.2 (available [here](#)). The Home Office Scientific Development Branch (HOSDB) gathers the information provided on the forms and collates quarterly figures on usage. They have so far published six quarterly cumulative sets of figures (starting from March 2008) on the use of Taser in England and Wales which can be found [here](#).

Procedural Issues

5. The request from 'HMP Britain' was received by the Home Office on 27th September 2009. The case was allocated to the Public Order Unit (POU) to handle on behalf of the department.
6. The substantive response from POU was sent on 15th October 2009, the fourteenth working day following the date of receipt. This was inside of the twenty working day deadline specified in section 10(1) of the Act. The department therefore met its duty under s.10(1) of the Act.
7. Although 'HMP Britain' is an obvious pseudonym and can not be interpreted as the 'name' of the applicant (as required by section 8(1)(b) of the Act), I do not consider it to be an issue worth contesting. The request has been made in the spirit of the Act and the use of this pseudonym is not being used to hide the applicants' true identities for any vexatious or malicious purpose.

The response by POU

8. The substantive response sent by the POU on 15th October 2009 confirmed that the Home Office holds the information requested (thereby complying with section 1(1)(a) of the Act), but explained that the information was considered to be exempt from release by virtue of the exemption provisions of s21(1) – information already reasonably accessible to an applicant.
9. In response to parts (i) and (ii) of the request, the substantive response letter from the POU provided the applicant with a number of hyperlinks to Home Office, Hansard and ACPO publications on the police use of Taser. Part (iii) was answered by means of an explanation in the main body of the letter. No information was released in response to this request.

Request for an Internal Review

10. 'HMP Britain' requested an Internal Review of the POU response by email on 26th October 2009. They (correctly) state that the Home Office collects more data than it publishes and that their request was to access data which is collected but not published. This reaffirms their request to access the raw data that is collected from police forces.
11. This review has therefore focused on ascertaining whether the provisions of s21 were correctly engaged and clarifying what information is actually held. The following sections of this report will explain and discuss the original decision in response to part (i) of this request.

Internal Review Considerations

12. Section 21 of the Act provides:

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

This section of the Act exempts information from disclosure under this Act if it is considered to be reasonably accessible to the applicant. In considering this exemption, a public authority must be satisfied that the information requested is

actually reasonably accessible to the specific applicant making the request. For example, it would be reasonable to assume that an applicant submitting a request by email would be able to access information published on the internet.

13. The provisions of section 21(1) were applied in response to parts (i) and (ii) of this request.
14. In part (i) of their request, the applicant asks for the release of our full 'dataset' based on the submissions from police forces regarding each use of Taser. In the context of the request letter, this can reasonably be interpreted as a list or table that provides all of the information collected from the *Taser Deployment Forms* that are completed and submitted to ACPO and HOSDB following each use of Taser.
15. The raw data that is taken from the *Taser Deployment Forms* is collected by HOSDB and transferred onto a dedicated database. We have interpreted the 'dataset' to be the raw data held on this database.
16. Although the Home Office holds the information requested, the Taser 'dataset' can not be considered to be reasonably accessible to a member of the public. Neither the contents of specific *Taser Deployment Forms* nor the raw data from the 'dataset' are published or otherwise reasonably accessible. I therefore consider that s21(1) is not engaged by this information and that the Home Office did not meet our duty under s1(1)(b) – to provide an applicant with the information requested.
17. The substantive response letter of the 15th October 2009 was not compliant with a section 17 refusal notice as it did not explain why the information requested in part (i) of this request could not be provided.
18. The letter of the 15th October did however meet with our obligations under section 16 of the Act in that we provided advice and assistance in highlighting the extensive information already in the public domain. The POU provided links to published data that answered each of the examples given by 'HMP Britain' in part (i) of their original request – '*How many children were electrocuted by a given force in March 08*' or '*How Taser use has risen in a given force*'.
19. In conducting this Internal Review, I have spoken with the Information Asset Owner for the Taser database to understand the quantity and nature of the information that is held on it. The database was originally developed to track Taser usage following the original trial of Taser in five pilot forces in 2005. As of mid-December 2009, the database held over 6800 records.
20. The original *Taser Deployment Forms* and the database records contain personal information about the individuals involved with each use of Taser, including details of the Police Officer and subject involved. They also contain incident details, such as the postcode of the incident, which, when considered in conjunction with other data on the form, could be used to identify the subject.
21. Any personal information would be subject to possible redactions under s40(2) of the Fol Act; to protect the personal data of the third-parties involved.
22. The information collected from the *Taser Deployment Forms* is otherwise not sensitive or harmful – as an example, North Wales Police released a redacted, but otherwise complete, *Taser Deployment Form*, in response to an [earlier Fol request by 'HMP Britain'](#),

23. Data from the database can be retrieved and exported manually, producing data either for specific incidents or specific reports. Targeted reports have been produced on a number of previous occasions - at the request of police forces or in response to Parliamentary Questions or FoI requests. However, the database was not specifically designed to facilitate printing of records and the raw data from the database can not be printed easily.
24. In their original request, 'HMP Britain' ask for the release of unpublished Taser data so that they can interrogate the raw data and run their own custom reports. Although the data from the database can be electronically exported, it can not be exported as a table – only in a plain-text format. This means that it is not possible to automatically export all of the data from the HOSDB database into a Microsoft Excel spreadsheet (for example) that would allow the data to be interrogated outside of this database.
25. Without access to the same database software used by HOSDB for the Taser database, 'HMP Britain' would not be able to read or access the data file used by the database.
26. To provide 'HMP Britain' with an electronic table that they can interrogate (as requested) would mean manually converting plain text into an Excel spreadsheet. We have conservatively estimated that it would take at least fifteen minutes to export the data from each Taser incident into a spreadsheet, make any necessary redactions under s40(2) and apply the appropriate formatting for it to be interrogated as requested.
27. To provide the information on paper printouts, we have estimated that it would take at least ten minutes to printout and redact information for each instance, although, because the database does not facilitate printing out the actual data tables, this would be a case of printing a copy of each original *Taser Deployment Form*.
28. If the information was to be provided by printing out each completed form, it would consist of over 34,000 sheets of paper (an average of five pages of data per record) which would have to be reviewed and collated manually. We have estimated that it would take at least ten minutes per record to collate the printouts and to make any necessary redactions under s40(2).
29. Section 12(1) of the FoI Act provides that authorities are not obliged to comply with a request for information under this Act if the cost of searching, retrieving, collating and presenting the requested information exceeds the appropriate limit of 24 hours of work. The cost limit is currently set as £600 for central Government departments. The approved hourly rate is currently set at £25 per hour, regardless of who deals with the request.
30. Given that there are at least 6800 records, we estimate that it would significantly exceed the Freedom of Information Appropriate Limit & Fees Regulations 2004 to extract this information from the Taser database and prepare it for release, either by manually creating a spreadsheet or in preparing over 34,000 sheets of paper for release. We therefore refuse this request under s12(1) of the Act.
31. As discussed earlier in this report, the information on the Taser database is not sensitive and custom reports are regularly run to answer FoIA requests and PQs alike. Indeed, running custom reports on the Taser database is a comparatively simple and quick process.

32. We therefore propose to advise 'HMP Britain' that, although we cannot provide the full Taser "dataset" because it would exceed the cost limit to do so, we would be happy to create a number of specific reports to produce the figures and statistics that they are interested in. These reports would also benefit from being released in a similar manner and format to existing Home Office Taser publications, and allow direct comparisons to be made between existing statistical reports.

Conclusions

33. The department complied with section 10(1) of the Act in relation to the timeliness of the response.
34. The department has complied with section 1(1)(a) of the Act by confirming that the requested information is held, but did not comply with section 1(1)(b).
35. The original decision to withhold the information requested by 'HMP Britain' under section 21(1) of the Act is overturned. The specific information requested (the Taser "dataset") is not reasonably accessible.
36. On review, the request is refused because it would exceed the appropriate limit in section 12 of the Act; to collate and prepare the requested information for release.

**Ian Lister
Information Access Team
Home Office**

ANNEX A

Original Request - HMP Britain - 27 September 2009

Dear Sir or Madam,

I write with regards to the use of electrocution devices such as the Taser.

I have read the ACPO Ltd's document called 'ACPO taser operational guidance'. Appendix H contains a sheet stating 'THIS FORM MUST BE COMPLETED ON EACH OCCASION WHERE THE TASER IS USED'. It also states a copy must be sent to 'Force Liason Officer [of ACPO Ltd]' for onward transmission to 'Police Use of Firearms Secretariat' at ACPO Ltd.

Appendix H also collects data as to how the Taser has been used. For example, it collects data such as where the two electrocution barb projectiles were shot on the body and whether the victim was disabled etc.

I have also read data on your website concerning taser use. In particular, the statistics published on the 17th August 2009 (your ref. CFP\7\10\005\016\025\03\001\01- PTTASER report 19mth 11/3/9 (7316)).

There seems a gulf between the data you collect and the data you publish.

Questions:

1. The data set you publish on Taser use is very basic. It only contains accumulative totals of Taser usage. I would like to know, for example, how many children were electrocuted by a given force in March 08. Or how Taser use has risen in a given force. Do you have a dataset that I can interrogate to find this, and similar answers.
2. Data is collected by police forces as to where electrocution barbs are shot into a victim's body. I found a research report on your site evaluating the TaserCam (your reference: Publication No. 03/08). In this report, in Appendix C, there is a diagram of the accuracy of the Taser when shot by police officers. It is clear many of the electrocution barbs have missed the intended target and shot the head and groin of the target. I would be interested in receiving information as to the accuracy of the Taser when shot by the police.
3. How is the report into taser use (such as the one mentioned above published 17th Aug) compiled. How do you collect the data and who sends it to the Home Office?

Yours faithfully,

HMP Britain