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Ms. Alison Green  
[request-9691-94416969@whatdotheyknow.com](mailto:request-9691-94416969@whatdotheyknow.com)

Date: 9<sup>th</sup> September 2009

Tel No.: (DDI) 01622 654413

FOI Ref.: 2396-2009

Dear Ms. Green,

### **FREEDOM OF INFORMATION REQUEST 2396-2009**

I write in connection with your request for information received by Kent Police on 24<sup>th</sup> March 2009. I am very conscious that this response finds you some time after the statutory time limit permitted to a public authority for dealing with requests has passed and for the lateness of this response I apologise.

I note that in your request you sought access to information concerning the Dangerous Dogs Act 1991. I note further that you contacted Kent Police again on 6<sup>th</sup> May 2009 to enquire as to why you had not yet received a response to your request and stating that you wished to engage the complaints or appeals process.

I am now in a position to respond to your request, and to review the handling of your request in accordance with Section 45 Code of Practice, which determines in detail how authorities should deal with requests made under the Freedom of Information Act and the Environmental Information Regulations. I will deal initially with the handling of your request and communications with you, and the cause of our delays in responding to you, before moving on to providing the information you have requested.

Although we responded to your request with an acknowledgement message on the 26<sup>th</sup> March 2009, you were due a response by 23<sup>rd</sup> April, or a letter explaining why we might be unable to provide the information. As you had still not received a response, you rightly contacted us again on the 6<sup>th</sup> May to complain.

It is indisputable that we have not communicated sufficiently with you, despite your reminders, and for this I can only apologise and offer the following by way of explanation.

This unit has recently been experiencing some staffing difficulties and this, coupled with a substantial increase in the workload associated with requests, has resulted in a process backlog.

However, these problems were not entirely a problem of understaffing and resources. During 2007 and most of 2008, the unit was staffed by a relatively experienced team who were able to cope with the workload at that time and who, for different reasons, all moved on from the unit within a twelve-month period. Since then, we have had considerable difficulties surrounding recruiting and finalising staff into posts within the unit. Unfortunately, this can take some time, and it must be acknowledged that there are few if any candidates in the job market who can be found with prior knowledge of information law. Having sourced candidates with the right potential, it is then necessary to train them while in the role and this of course, requires further expenditure of time and resources.

The Freedom of Information Act has only been in force since 2005 and is now becoming a mature piece of legislation, with a substantial body of case law to inform decisions. The numbers of requests received by Forces nationally have seen a steady increase. However, we know from liaison with colleagues in other forces that the experience of staff working in this area around the country is that the quality of the requests we receive and the quantity of work that must be taken in responding to such requests has increased significantly during recent years.

Certainly it is the case in Kent Police that, as the Force has become more aware and more committed to the purposes of openness and accountability which underlie the legislation, we are increasingly careful to ensure that the information we release is as complete and as accurate as possible. This too is a phenomenon that is common to the police service and it is some reassurance to us that although we do receive complaints about the time taken in dealing with requests, we have also received compliments about the quality of the final outcome and I hope that this will prove to be the case with this response.

The Freedom of Information team currently receive an average of around 62 requests per month. We have already identified that the new team is capable of processing more than 62 requests during a month and so we are confident that we are now sufficiently resourced to deal with incoming business.

I must acknowledge that, even with the increased resources outlined above, it will still take some months until we are closer to the position that we would both prefer to see. However, from reviewing the handling of your request I can now see that the outstanding backlog, and the complaints such as your own that naturally arise from such a situation, has clearly had an impact on our communications with applicants and this we are also seeking to improve in the immediate term as we work towards a position of greater compliance.

Once again I apologise for any inconvenience caused to you by the delay in our responding to your request. I hope that this part of my response serves to explain why this situation has occurred and reassures you of our commitment to our responsibilities under the Act.

Turning now to the matter of your request, I am now in a position to provide you with information as follows:

*Question 1. What number of dogs have been seized by your police force; between 31/09/08 and 31/02/09 under section 1 of Dangerous Dogs Act; 1991?*

Answer: Kent Police records show that there have been no dogs seized by Kent Police between 31/09/08 and 31/02/09 under section 1 of the Dangerous Dogs Act 1991.

*Question 2. What number of dogs have been seized by your police force; between 31/09/08 and 31/02/09 under section 3 of Dangerous Dogs Act; 1991?*

Answer: Kent Police records show that between 31/09/08 and 31/02/09 there were two dogs seized by Kent Police under Section 3 of the Dangerous Dogs Act 1991.

*Question 3. What number of dogs has been seized by your police force between 31/09/08 and 31/02/09 as being used in a crime?*

Answer: It would be theoretically possible for us to extract this data from our systems. However, this would require the manual examination of all crime records for this time period, which would involve an expenditure of resources that would far exceed the amount that a public authority is required to invest in responding to a request, i.e. the cost of locating and retrieving the information exceeds the "appropriate level" (currently eighteen hours) as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

The information is therefore exempt under Section 12(1) of the Freedom of Information Act and in accordance with section 17(1) of the Act this letter must act as a Refusal Notice for this part of your request.

*(1) 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.*

FOIA, Section 12 - Exemption where cost of compliance exceeds appropriate limit

*Question 4. How many dogs held by your police force have died or been; destroyed as a result of unknown cause, illness or behavioural issues while in your care (if known please give details) between; 31/09/08 and 31/02/09?*

Answer: This information is not held by Kent Police. Kent Police Dog Section does not seize stray or dangerous dogs simply because of the risk of infection to our own dogs. Dog handlers are occasionally asked to assist BCU officers in the capture or control of a dangerous dog, but it is the sole responsibility of the BCU to seize and arrange for any kennelling. Our kennels are never used for anything other than police dogs for the same reasons.

In relation to the previous question of the two dogs seized by Kent Police, records show that one of these dogs was destroyed following receipt of a court destruction order.

*Question 5. What is the total cost covered by your police force, for; kennelling, vet treatment, legal bills and any other associated; costs for holding seized dogs under the DDA between 31/09/08 and; 31/02/09?*

Answer: There have been no costs incurred by Kent Police between 31/09/08 and 31/02/09 for holding seized dogs under the Dangerous Dogs Act 1991.

Thank you for your interest in Kent Police and I hope that the information I have been able to provide is of use to you. A sheet, which summarised your rights, was enclosed with the acknowledgement sent to you and as suggested therein, should you have any further questions concerning your request, please contact me quoting the reference number shown above.

Yours sincerely,

**Superintendent Paul Gladstone**  
**Freedom of Information Administrator**

## Your right to complain

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will conduct an internal review to investigate the matter and endeavor to reply within 20 working days. If your appeal concerns the decision to apply an exemption, it would assist the review if you would outline why you believe the exemption does not apply.

You may lodge your complaint by writing to:

Supt. Paul Gladstone  
Head of the Information Compliance Unit  
Professional Standards Department  
Kent Police Headquarters  
Sutton Road,  
Maidstone,  
Kent  
ME15 9BZ

Or by e-mailing  
[freedomofinformation@kent.pnn.police.uk](mailto:freedomofinformation@kent.pnn.police.uk)

If you are still dissatisfied following our internal review, you have the right under section 50 of the Act to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Kent Police.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

