



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2017-00876

**Keyword:** Organisational Information/Governance

**Subject:** Unsolved Murders

### Request and Answer:

#### Question

I am seeking a list of unsolved murders that took place in Northern Ireland between 1960 and 2010 unconnected with the Troubles or the conflict, in other words they were not religiously or politically motivated murders.

#### Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

Due to the time-frame of your request it was necessary to make enquiries with two separate business

areas within PSNI, Legacy Investigation Branch and Crime Operations to ascertain the information held and if retrievable could be achieved within the 18 hour cost limit set under the FOI Act.

Legacy Investigation Branch (LIB) has advised that cases are not classified as solved or unsolved and therefore it would be necessary to research offender links, where anyone if known was convicted of a primary offence. However, a search can only be conducted for convictions for the names of individuals that are known. It is not possible to search for an incident date and check if someone was convicted. There would be approximately 500 non-terrorist cases and it is estimated it would take a minimum of 3 hours to examine each related paper file/computer record and this process would take approximately 1500 hours.

In addition to this estimate, Crime Operations have advised that since 2004 investigations have been conducted into over 600 incidents. In order to identify which incidents have not been cleared would require the paper documents and computer records for each incident, to be manually examined to identify the offender and determine if that person was convicted. It is estimated this process would take approximately 1 – 2 hours per investigation and would take approximately 600 – 1200 hours.

The total retrieval process would therefore exceed 2,000 hours, grossly exceeding the 18 hour cost limit.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. **Subject to any relevant exemptions, it may be possible to provide the number of unsolved murders with a yearly breakdown for 2005 to 2015.**

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psnipolice.uk](http://www.psnipolice.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.