

Dear V Harper,

REQUEST

I would like to know the incidents of death of police officers whilst under investigation for misconduct. Both natural and suicide.

If this is not recorded I would like to know why?

RESPONSE

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact; b) specifies the exemptions in question and c) state (if that would not otherwise be apparent) why the exemption(s) applies.

From our preliminary assessment we are unable to provide this as it would exceed the appropriate costs limit under section 12 of the Freedom of Information Act 2000. This is currently £450. The basis for this calculation is the cost of retrieving the data to answer your questions.

To obtain the relevant information relating to the above request we would need to read through every incident/occurrence relating to this subject. This will require a manual review of hundreds of records to establish if the officer died whilst under investigation.

It would take one member of staff approximately 5 minutes per record equating to far in excess of 18 hours of work. Your entire request is therefore refused.

The appropriate limit is defined in the Data Protection and Freedom of Information (Fees and Appropriate Limit) Regulations 2004, which is covered by statutory Instrument Number 3244 of 2004. Furthermore, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse to respond to a request for information where the cost of compliance would exceed the appropriate limit as defined by the above mentioned regulations.

Unfortunately on this occasion I am unable to assist you in redefining your request to provide any meaningful information.

If you are not satisfied with the decision applied in this case I enclose for your attention a copy of the Constabulary's appeal procedures.

Regards,

Cheshire Constabulary and Cheshire Fire & Rescue Service Joint Corporate Services

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