



Derbyshire Constabulary

Mr Mike Kilby

Telephone: 101
Direct Line: 0300 122 8752
Ask For: Freedom of Information
Our Ref: 004316/20
Your Ref: Data/SAR Requests
Date: 21 September 2020

Dear Mr Kilby

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 004316/20

I write in connection with your request for information which was received by Derbyshire Constabulary on 26/08/2020. I note you seek access to the following information:

Data Subject Access Requests made to the organisation for each calendar year between the 1st January 2018 to 25th August 2020 inclusive

1. *How many Data Subject Access Request have been made to the force broken down by;*
 - a. *Requests made by the Data Subject themselves*
 - b. *Request made by a third-party on behalf of the Data Subject*
2. *How many requests were rejected and the broad reasons for those rejections*
3. *How many requests were responded to in full or in part, and for each of these;*
 - *Whether the response was within one, two, three or longer calendar months after the valid request was received; and where responded to outside of one calendar month;*
 - *Whether the requestor was notified within the first calendar month of the delay to the response*
 - *The broad categories for the delay in responding within the first calendar month*
4. *How many requests excluded the provision of personal data held which was later used or otherwise disclosed to the Data Subject (or a representative) for another reason, for example in evidence.*

In addition to the above, please could you provide details of;

- *The Name, Job Title, and Rank and Badge Number (if applicable) of the individual holding the role of Data Protection Officer for the organisation;*
- *If that individual has any other duties, what (in general) those duties are.*
- *What "professional qualities and, in particular, expert knowledge of data protection law and practices" (if any) are held by that individual in accordance with Article 35(5) of the GDPR*
- *If DPO the role holder is a Shared Resource, which other organisations are served by that DPO.*

- *How many people you have working within your Data Protection Compliance team.*

Result of Searches

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

Decision

On this occasion I am unable to provide you with the information you requested under the Freedom of Information Act 2000 as I have applied Section 12 of the Act - 'Excess Fees'; the rationale for which is shown below.

This letter therefore represents our formal refusal to supply the information you requested.

However, I would ask you to view the Section, Information provision outside the Freedom of Information Act 2000 also below.

Reason(s)

Section 12(1) of the Freedom of Information Act 2000 provides that Section 1(1) (General Right of Access to Information) 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."

The data as requested is not held in a manner that allows for easy extraction via a simple computerised search. Due to the volumes, see below table, to a) determine if the information is held and b) if so note relevant data would require that a member of staff open and review each request. As a conservative estimate of 2 minutes per request this would require in excess of staff hours to complete; a figure well above the nationally agreed threshold.

The costs limit is set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For non-central government public authorities such as the Derbyshire Constabulary the appropriate limit is £450 (which can be calculated as 18 hours of work where an hour is charged at a standard national rate of £25). This means that, in effect, there is a time limit of 18 hours.

The public authority's estimate of the cost of compliance should be "*sensible, realistic and supported by cogent evidence*" - Information Tribunal: *Randall v Information Commissioner and Medicines and Healthcare Products Regulatory Agency* (EA/2006/0004)

Regulation 4(3) provides that the following factors can be taken into account when formulating a cost estimate:

- Determining whether it holds the information,
- Locating the information, or a document which may contain the information,
- Retrieving the information, or a document which may contain the information, and

(d) Extracting the information from a document containing it.

Section 17(5) of the Freedom of Information Act 2000 a public authority which, in relation to any request for information, is relying on a claim that section 12 or section 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

Information provision outside the Freedom of Information Act 2000

I acknowledge that we have identified that excess cost is an issue in this matter and that we are unable to provide the information that you require. In accordance with our duty under Section 16 to provide assistance in relation to requests for information and in keeping with the spirit of the Act, on this occasion, I am providing some retrieved information for that part of your request which was retrieved or available before it was realised that the fees limit would be exceeded. However, I realise that providing only partial information may not assist you.

For the sake of completeness I should also point out that as the whole request exceeds the fees limit we are not obliged to indicate further where either exemptions or a “neither confirm nor deny” response may have been relevant to any part of your request.

Should you be able to substantially amend your request it may be possible to provide some information within the fees limit. However, given the above position and in line with my responsibilities under Section 16 of the Act I am at this time unable to offer any alternative(s). Additionally I need to add that it is our policy to decline the opportunity to undertake such retrieval at cost payment as the apparent result appears to be disproportionate to the effort of our resources to achieve it.

I am sorry that on this occasion we cannot provide the information that you requested but I hope you understand that there is a finite limit to the amount and scope of retrievable information we record in terms of effective resource use.

NB A public authority is not obliged to assist an applicant in redefining a request to within the time/cost limit, if there is no probability of achieving this. This was confirmed in Decision Notice 50194062.

1. Please see below table re overall number of requests made

2018	2019	1/1 - 25/8/20
464	595	407

3. Please see the below table. In respect of 2018 data please be aware that on 25 May 2018 the time frame for responding changed from 40 days to 30 days. Data released has been amended to better reflect the Constabulary's performance in this period.

On a final note you will also see that I have also changed the ‘days’ taken column to prevent any duplication.

Year	Requests	Responded to	Within 40 days	41-60	61-90	Over 91
1/1-24/5/18	168	168	155	9	2	2
	Requests	Responded to	Within 30 days	31-60	61-90	Over 91
25/5-31/12/18	296	296	224	63	4	5
2019	595	595	498	84	9	4
1/1-25/8/20	407	407	378	25	2	2

Please see below;

- Abby Turner, Head of Information Management
- Head of Information Management
- Please see below which are taken from the role profile

Skills, Knowledge and Experience Required of Post holder

Essential

- Expert knowledge of UK data protection law, regulations and an in-depth knowledge of GDPR.
- An appropriate degree level qualification or industry specific qualifications at or above CIM Diploma level in Information Management, Information Governance or security and risk management.
- Substantial senior leadership experience in a position managing information and driving and implementing change in a multi-discipline organisation
- Successful experience of operating at board level within an organisation with regular collaborative relationships with senior decision makers from disparate disciplines and partner agencies
- Ability to navigate a complex legal landscape and provide sound legal and specialised advice and guidance to the organisation and its partners.
- Ability to analyse and interpret complex information to achieve sound business decisions in all matters pertaining to the management of police information
- Ability to think strategically and take a wider view of issues affecting service delivery
- Provide excellent leadership capabilities and experience of development of management teams
- Organised and focussed approach to delivering projects on time and to budget
- Demonstrate resilience and ability to deal with change and uncertainty and improve service delivery
- Experience of effective negotiation skills and the ability to influence others to achieve common goals

- Ability to act as a strong positive role model, demonstrating high levels of commitment, integrity and professionalism

Desirable

- Knowledge and experience of current developments and trends in Police Service and the wider criminal justice environment
 - Data Protection qualification [ISEB, CIPP/E, CIPM, BSC, FIP, CIPT]
 - Professional audit qualification
 - Knowledge of risk management techniques
 - Project Management skills and knowledge of project management techniques (e.g., Prince 2)
- This is not a shared resource
 - 7.5 FTE

Right to Request a Review (Complaint)

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea
Freedom of Information Officer

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