



Derbyshire Constabulary

Mr Daniel Elliott

Telephone: 101
Direct Line: 0300 122 8752
Ask For: Freedom of Information
Our Ref: 001557/22
Your Ref: Number of dispersal orders issued
Date: 25 April 2022

Dear Mr Elliott

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 001557/22

I write in connection with your request for information which was received by Derbyshire Constabulary on 28/03/2022. I note you seek access to the following information:

The number of dispersal orders you have issued in your force area since 1/1/2022

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.

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 Constabulary utilises a computerised crime system for the management of dispersal orders and associated matters. Whilst the system has a range of search facilities it cannot via a simple search extract the data solely to provide the number of dispersal orders that have been authorised. To determine if a dispersal order has been authorised, it would require all crimes to be manually reviewed for relevance. Given the volumes this would require staff hours well in excess of the nationally agreed threshold to achieve.

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:

- (a) Determining whether it holds the information,
- (b) Locating the information, or a document which may contain the information,
- (c) 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.

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.

- Police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this Constabulary's response to your questions should not be used for comparison purposes with any other response you may receive.

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



Mrs C South
Disclosure Officer
Freedom of Information

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