

22<sup>nd</sup> April 2020

Charlotte Pearl

[request-659053-2ff0e7e2@whatdotheyknow.com](mailto:request-659053-2ff0e7e2@whatdotheyknow.com)

Dear Charlotte Pearl

**Freedom of Information Request - Reference No: 20201011**

**REQUEST**

Please supply any policies, procedures and guidance on conducting DrugWipe roadside tests.

- 1) How many DrugWipe kits does the force have
- 2) How many officers are trained to carry out DrugWipe roadside tests.
- 3) Total number of roadside tests conducted in 2018
- 4) Total number roadside tests that gave a false positive (where someone tested positive at the scene but subsequent lab testing failed to support the original result) in 2018.
- 5) Total number roadside tests that gave a false positive for cocaine (where someone tested positive at the scene but subsequent lab testing failed to support the original result) in 2018.
- 6) The total number of times the force has recorded that your officers failed to follow procedures fully on the recording of information about or from a roadside DrugWipe test at the scene

**RESPONSE**

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a. states that fact,
- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

**Section 12 – Exemption where cost of compliance exceeds appropriate limit**

I contacted our Roads Policing Group for assistance with your request. They have advised in respect to your Question number 2, to retrieve this information, this would exceed the time allowed by the FOI Act. They have stated:

**‘This would require each officers record being examined to locate the drug wipe training dates. (15 minute check per officer x 2200 officers = 550 hours of work)’.**

In essence, to retrieve this data, this would require every training record for every Officer in the force to be checked. This process would take much longer than 18 hours' work allowed by the FOI Act. .

In addition, when we approached our individual Districts, we were advised that to retrieve false positive information, this would require a case by case review of all tests carried out within the Force area. This is also a lengthy process, and would also exceed the 18 hour rule.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

**Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future .**

The Road Policing Group retrieved the following data prior to the realisation that this would exceed the 18 hour rule.

**1) How many DrugWipe kits does the force have**

*At Operational Support Units we have approximately 500 drug wipes in stock, however each district also hold their own supply of drug wipes .*

I have also attached our policy guidance document regarding Drug Wipes, which you may find useful for your research.

If you are unhappy with the way your request for information has been handled, you can request a review by following the advice contained in the separate notice enclosed with this correspondence:

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire, SK9 5AF.  
Telephone: 08456 306060 or 01625 545745  
Website: [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

Jane Adamson  
Information Compliance Clerk  
South Yorkshire Police  
Information Compliance Unit  
Professional Standards Department  
Unit 20 Sheffield 35A Business Park  
Churchill Way  
Sheffield  
S35 2PY

Email - [foi@southyorks.police.uk](mailto:foi@southyorks.police.uk)

Please note that police forces in the United Kingdom are routinely required to provide information and 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 data. It should be noted that for these reasons this forces response to your questions should not be used for the comparison purposes with any other response you may receive.

South Yorkshire Police provides you the right to request a re-examination of your case under its review procedure (copy enclosed). If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

The South Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, South Yorkshire Police, Police Headquarters, 5 Carbrook Hall Road, Sheffield, S9 2EG

## **Appeal Process for Freedom of Information**

Using this process will not affect your right to appeal directly to the Information Commissioner. However, it will usually be quicker if matters can be resolved locally using this process.

### ***Who can appeal?***

Anyone who has requested information from the Force in writing can appeal within 20 working days. If you have requested information and you are not satisfied with the way we have dealt with your request, you can use the appeal process to have it looked at again. If someone who requested information would like to appeal but cannot do so themselves you can appeal on their behalf, but it will help us if you make it clear that you are doing so.

### ***What can I appeal about?***

You can appeal about the range, amount and format of information we have sent following a request. You can also appeal about the way a request was handled – for example, the time it took to respond, or the way letters were worded.

### ***How do I appeal?***

You can appeal by writing/ emailing your appeal/complaint to the address below. To deal with your appeal as quickly as possible, it will help if you can give us as much information as you can about the request made, such as the reference number, and the reason for your appeal/ complaint.

### ***What happens to my appeal?***

Once we have enough details to identify the request you are concerned about, a qualified person, other than the initial decision maker, will deal with the internal review.

### ***How long does it take?***

Whatever their conclusion, you will be informed of the result as soon as possible, and in any case within 20 days of submitting your appeal.

If you are still not satisfied, you may then appeal to the Information Commissioner.

### ***Appeal Address***

**Information Compliance Unit South Yorkshire Police Professional Standards  
Department Unit 20 Sheffield 35A Business Park Churchill Way Sheffield S35 2PY**

Email [foi@southyorks.pnn.police.uk](mailto:foi@southyorks.pnn.police.uk)