



Derbyshire Constabulary

Mr Pat James

Telephone: 101
Direct Line: 0300 122 8752
Ask For: Freedom of Information
Our Ref: 003036/15
Your Ref: G4S - Breach of Road Traffic Act
Date: 21 December 2015

Dear Mr James

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 003036/15

I write in connection with your request for information which was received by Derbyshire Constabulary on 24/11/2015. I note you seek access to the following information:

Within the area of your constabulary, have vehicles and/or drivers operating on behalf of G4S (in any capacity), how many have in the past 2 years:

- a) been cited for any breach of the Road Traffic Acts and associated Regulations (inclusive of the Highway Code),*
- b) been prosecuted for such breaches.*

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 records traffic offences on three separate systems; a case management system, a system that manages speeding offences captured by hand held/in car devices and a system that manages speeding offences captured by fixed and mobile cameras. For the

latter a search has been made and no offences have been found that fall within the specified time frame. This search is possible due to the system and in-build fields that allow this, i.e. a key word search on 'G4S' and alternatives such as Group 4, Securicor, Omega Express.

Unfortunately the first two systems do not have such a range and the only way to extract such data would be to identify all traffic offences within the requested period, open each one and verify its relevance noting down the requested information. Given the number of such offences committed per year, 5527 and 4645 respectively, even at a conservative estimate of 1 minute per offence this would require in excess of 169 staff hours to complete; a figure well in excess of 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:

- (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.

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

Enc