



FREEDOM OF INFORMATION RESPONSE

Request	Response	Additional Information
1. The number of people Tasered in 2017, 2018, 2019, 2020.	This is the third time since 15 th July 2020 that applications which are virtually identical have been made by this applicant. The difference is the number of years reducing from a first year of 2005 to the current 2017. On each of the two previous occasions response have been provided indication that the information for most of the applications was exempt from disclosure by virtue of section 21 and 22 Freedom of Information Act, 2000.	
2. How many people Tasered in 2017, 2018, 2019, 2020 were black.	In the first application information which wasn't accessible by the means shown was provided and that information engaged the exemption provision in section 21 in the second application. The manner in which the repeated applications are being made demonstrates that it little regard has been taken of the previous responses and the information which is published at a national level or was provided specifically in the first application.	
3. How many stop and searches did you carry out in 2017, 2018, 2019, 2020.	The provisions of section 14(1) & 14(2) Freedom of Information Act, 2000, are therefore applicable to this application and section 17(5) & (6) of the Act are also relevant.	
4. How many of those stopped and searched in 2017, 2018, 2019, 2020 were black.	Please see the notice explaining the provisions of section 14(1) & (2) Freedom of Information Act, 2000, on the next page.	

Police forces in the United Kingdom are routinely required to provide statistics to requestors of information. 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 Force's response to your questions should not be used for comparison purposes with any other response you may receive.

SECTION 14, FREEDOM OF INFORMATION ACT, 2000 - NOTICE	Reference: DJ 2020 -0932
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EXEMPTION	OVER VIEW OF SECTION	APPLICATION OF SECTION 14(1) & (2) TO FUTURE APPLICATIONS
<p>Section</p> <p>Section 14(1)&(2)</p> <p>Vexatious or repeated</p>	<p>Public Authorities do not have to comply with vexatious requests. There is no requirement to provide the applicant with a public interest test and no requirement to provide any information or confirm or deny whether the information is held. The requirement will be to issue a refusal notice to meet the requirements of section 17 of the Act.</p> <p>A refusal under FOIA section 14(1) will be proportionate and relevant to the circumstances of the particular case.</p>	<p>The Freedom of Information Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable. The information which most people will seek under the Act, will be of tangible benefit to the public rather than being of private interest: that is there will be a public interest in disclosure. Most people exercise the right responsibly, although regrettably a few misuse or abuse the Act by submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact on a public authority. Such requests fall within the scope of section 14(1) of the Act and are known as vexatious request.</p> <p>The Information Commissioner recognises that dealing with unreasonable requests can place a strain on resources and get in the way of delivering mainstream services or answering legitimate requests. Furthermore, these requests can also damage the reputation of the legislation itself. Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.</p> <p>This response is related to two previous FOIA applications seeking similar information but with the starting year reduced. Both of these applications were provided with a response which showed that most of the data was subject to national publication and therefore engaged the exemption provisions in section 21 & 22, Freedom of Information Act, 2000. The information in application one, which was not nationally published was sourced by research and disclosed to the applicant. In the second application this latter information had become exempt by virtue of section 21, as the applicant had already been provided with the information.</p> <p>Having regard to the guidance on the use of section 14(1) of the Act, as recorded in the Court of Appeal Case (Dransfield v Information Commissioner and Devon County Council [2015] EWCA Civ 454 (14 May 2015)), Lady Judge Arden observed that;</p> <p>“...the emphasis should be on an objective standard and that the starting point is that vexatiousness primarily involves making a request which has no reasonable foundation, that is, no reasonable foundation for thinking that the information sought would be of value to the requester or to the public or any section of the public.”</p> <p>The above, is the current case with this FOI application for information, as the applicant has either been directed to nationally published data or provided with bespoke data.</p> <p>FOIA is about disclosure to the public, and public interests. It is not about specified individuals or private interests. Future cases that therefore do not indicate a clear tangible benefit to the public in disclosure or (using the words within the Act), which contain abusive or aggressive language or demonstrates an unreasonable persistence will be treated as vexatious. Additionally the provisions of section 17(6) will also be applied.</p>

	Public Authorities do not have to comply with repeated requests, section 14(2).	Similarly applications which are repeated requests, in that (a) The request is identical or substantially similar to a previous request from the same requester; (b) Merseyside Police has previously provided the information to the requester or confirmed that it is not held in response to the earlier FOIA request; and (c) A reasonable interval has not elapsed between the new request and compliance with the previous request Will also be dealt with under the provisions of section 14(2) of the Act, repeated requests. https://www.legislation.gov.uk/ukpga/2000/36/section/14
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