

Our Ref: 005723/12



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

1 November 2012

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 26 September 2012.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

Please find below answers to your questions:-

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

The number of threats to life warning notices (aka Osman notices) that have been issued by your police force for the following calendar years: a - 2008, b - 2009, c - 2010, d - 2011, e - 2012.

To retrieve and extract the number of Osman Warnings issued by Nottinghamshire Police will require a manual review of each record due to how the information is recorded.

Osman Warning information is recorded within a free text system. An initial search from January 2008 to December 2011 retrieved 517 records; however, each one of these records would need to be individually reviewed to establish

whether it relates to an Osman Warning actually being issued. These would then need to be cross-checked to ensure there are no duplicates.

This exercise would exceed the cost threshold of 18 hours under section 12(1) of the Act. For example, if each record took 5 minutes to review, it would take 43 hours to retrieve the information requested.

I can also advise you that the release of any figures for 2012 is exempt from disclosure under section 40 of the act.

Section 40 is a class-based absolute exemption and does not require a public interest test to be conducted. In relation to your request, to provide figures for an incomplete calendar year will break the figures to a low level and subsequently risk an individual to be identified. As such, it has been considered that it would breach the first principle of the Data Protection Act as it would not be fair to process information which could lead to the identification of an individual.

This letter constitutes a refusal notice under Section 17 of the Freedom of Information Act 2000 with Section 12(1) and 40(2)(a) of the Act being applied.

Should you wish for the Force to continue with your request, a more accurate figure will be provided within a fees notice. The cost will need to be paid by you, prior to any further investigation. Please advise if you wish to proceed.

In order to assist you to refine your request, I can advise you that if reduced the timeframe for which you require the information e.g. one calendar year, providing you with a response within cost threshold may be possible. The figures for 2012 will remain exempt until a full calendar year is available.

12. – (1) Section 1(1) 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.

40. – (2) Any information to which a request for information relates is also exempt information if –

- a) it constitutes personal data which do not fall within subsection (1), and
- b) either the first or second condition below is satisfied

(3) The first condition is –

- a) in a case where the information falls within any of the paragraphs a) to d) of the definition of “data” in section 1 (1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene –
 - i) any of the data protection principles, or

- ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A (1) of the Data Protection Act 1998 (which relate to manual data held by the public authorities) were disregarded.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) 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, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

If so, prior to lodging a formal complaint, you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision reconsidered is to telephone the case officer that is identified at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Formal Independent Review

If you are dissatisfied with the handling procedures or the decision made by Nottinghamshire Police under the Freedom of Information Act 2000, you can request an Independent Review.

Upon receipt for a review of the initial request response, an independent audit officer from Information Management will review the request and assess whether it has been satisfactorily processed in accordance with policy and procedure.

Requests for Independent Reviews requests should be made in writing to-

Force Information Manager
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

The Audit officer will record and communicate his/her decision to the information requester within 20 working days.

Appeals

If the findings of the formal independent review do not meet your approval, you can register an appeal against the decision.

An investigation will then take place by the Freedom of Information officer, which will be reported and presented to the Internal Appeal Board. This will include a full account of the reasoning for or against disclosure and the application of any relevant exemptions.

The Internal Appeal Board will consist of at least a member of the Chief Officer Team, a member of the Legal Team and the Force Information Manager.

Appeals should be registered in writing to:

Freedom of Information Officer
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

Alternatively E-mail: Freedomofinformation@nottinghamshire.pnn.police.uk

Or call: 01159672507

Applications to the Information Commissioner

If you then remain dissatisfied, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner, please visit their website at www.informationcommisioner.gov.uk

Alternatively, Write to:

Information Commissioner's Office
Wycliffe House
Water lane
Wilmslow
Cheshire
SK9 5AF

Or call: 01625 545700.