

Our Ref: 010196/13



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

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

05 December 2013

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 29/10/2013.

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.

1) The browsing history on police computers from midnight on the 17th August to midnight on the 19th August 2013. This includes a list of all websites visited during this period.

1) The browsing history on police computers from midnight on the 11th October to midnight on the 13th October 2013. This includes a list of all websites visited during this period.

2) The browsing history on police computers from midnight on the 18th October to midnight on the 20th October 2013. This includes a list of all websites visited during this period.

3) The browsing history on police computers from midnight on the 25th October to midnight on the 28th October 2013. This includes a list of all websites visited during this period.

4) Since October 1st 2012, the number of police employees disciplined for misuse of internet. Please detail the nature of this misuse and the punishment.

Upon locating, retrieving and reviewing the information which you have requested Nottinghamshire Police are unable to provide this data as we believe the request engages Section 14(1) of the Freedom of Information Act 2000.

Section 14(1) states:

S.14 (1) – Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

The searches conducted for the information that you have requested have returned a considerable amount of data. To ensure there is no sensitive data in such a voluminous return, would require each website to be analysed on a 'site by site' basis. Many of the websites would have been visited for a policing purpose, which would include those viewed as part of investigations or for law enforcement, and it is likely that the internet would have been used for highly sensitive operational areas, such as child protection and human trafficking. The websites relating to these areas would be exempt from disclosure under Section 30 of the Freedom of Information Act if they were accessed with regard to Investigations, and exempt under Section 31 of the Act if they were accessed for law enforcement purposes. In order to ascertain whether the websites were or were not exempt from disclosure they would have to be interrogated individually. This would be to determine the rationale for the search and whether or not there are any links to ongoing or potential future investigation. Furthermore each individual who made the search would have to be contacted in order to ascertain their rationale and possible link to an ongoing/planned investigation.

The search conducted revealed a total of approximately 2027 websites, a total of 6576 users and a total of 42,470 visits to sites. If it was to take 10 minutes per visit to a site to ascertain if the visit was justified, and would not engage an exemption, this would equate to approximately 7078 working hours (or 188 working weeks). I believe that this would impose a grossly oppressive burden on the organisation and engage Section 14(1) of the Freedom of Information Act 2000.

In coming to this conclusion I have considered the amount of work needed in order to provide the information, the concerns about potentially exempt information and guidance from the Information Commissioners Office (ICO) in relation to vexatious requests.

Guidance from the Information Commissioners Office (ICO) - "*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.*"

Recent ICO guidance on Section 14 states:

*"... An authority is most likely to have a viable case where:
The requester has asked for a substantial volume of information **AND**
The authority has real concerns about potentially exempt information, which it
will be able to substantiate if asked to do so by the ICO **AND**
Any potentially exempt information cannot easily be isolated because it is
scattered throughout the requested material..."*

The below is a link to the ICO document and an excerpt from that document in relation to a piece of case law on Section 14.

Information Commissioners Office (ICO) – Dealing with Vexatious Requests

http://www.ico.org.uk/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.pdf

The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal in the case of *Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC)*, (28 January 2013) when it defined the purpose of section 14 as follows;

'Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...' (paragraph 10).

This letter constitutes a refusal notice under Section 17(5) of the Freedom of Information Act 2000 with Section 14(1) of the act being applied.

In relation to the number of Police employees disciplined for misuse of the internet please find the answer below.

Police Employees Disciplined

	Number
Police Officers	0
Police Staff	2

Please find the further information requested, overleaf.

Nature of Misuse	Disciplined
Breached the Force internet usage policy by excessively accessing numerous websites during work time for non policing purposes.	Formal verbal warning
1. Breached the company internet usage policy by excessively accessing numerous websites during work time. 2. Accessed the internet without authority and for non policing purpose.	Final Written Warning

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.