

FOI RESPONSES FROM SCOTTISH AND ENGLISH POLICE FORCES  
September 2009

Please see Appendix 1 for initial FOI request and further clarification.

	<b>Scottish Police Forces</b>	<b>Response</b>												
1	Dumfries & Galloway	<p>The force has not received any requests for police reports or crash investigation reports in relation to fatal road traffic collisions under the Freedom of Information (Scotland) Act 2002, since its inception on 1 January 2005.</p> <p>Such requests from members of the immediate family would be considered under normal business however this would be on a case by case basis and dependent on the circumstances. Statistical records of requestor type are not maintained, therefore I am unable to confirm on how many occasions such requests have been received or complied with. In terms of section 17 of the Freedom of Information (Scotland) 2002, no information is held in this respect.</p> <p>I trust that this information is of assistance and please contact me if you require clarification.</p>												
2	Central Scotland	<p>The information you requested is not held. There are no recorded requests for information as detailed below in relation to road traffic collisions involving a fatality between 2005 and the present day. By way of assistance I can advise any reports of this nature would not normally be released under FOI(S)A 2002 they may in certain circumstances be released under Data Protection and possibly through the legal system.</p>												
3	Fife	<p>In respect of the number of requests Fife Constabulary received for police reports into road traffic accidents involving fatalities, please see the table below:</p> <table border="1" data-bbox="1081 1058 1503 1300"> <thead> <tr> <th data-bbox="1081 1058 1193 1129">YEAR</th> <th data-bbox="1193 1058 1503 1129">REPORT REQUESTS</th> </tr> </thead> <tbody> <tr> <td data-bbox="1081 1129 1193 1166">2005</td> <td data-bbox="1193 1129 1503 1166">19</td> </tr> <tr> <td data-bbox="1081 1166 1193 1203">2006</td> <td data-bbox="1193 1166 1503 1203">31</td> </tr> <tr> <td data-bbox="1081 1203 1193 1240">2007</td> <td data-bbox="1193 1203 1503 1240">13</td> </tr> <tr> <td data-bbox="1081 1240 1193 1276">2008</td> <td data-bbox="1193 1240 1503 1276">13</td> </tr> <tr> <td data-bbox="1081 1276 1193 1300">2009</td> <td data-bbox="1193 1276 1503 1300">Six</td> </tr> </tbody> </table>	YEAR	REPORT REQUESTS	2005	19	2006	31	2007	13	2008	13	2009	Six
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		<p>No request for a police report was refused. Such police reports are only released to either solicitors or insurance agents for a set fee. For members of the immediate family of someone killed in a road accident, etc., they can only receive, for free following a written request, third party details such as the car registration number, the insurance policy number (and the company) as well as the name of the driver but not the police report.</p>
4	Grampian	<p>I can advise that since 2005, five such requests have been made under FOI, four of which were refused based on exemptions within the Act and one was responded to as no information held, as it was a historical case and the Force no longer held the information.</p> <p>It is not routine Force procedure for such reports to be released to members of the deceased's family, therefore no central record is held as to whether this has ever occurred. Therefore I cannot provide you with this information in terms of Section 17 (1) (b) of the Freedom of Information (Scotland) Act 2002 – Information Not Held.</p>
5	Lothian & Borders	<p>I can confirm that Lothian and Borders Police have not received any requests for copies of fatal road traffic nor 'crash investigator's ' reports regarding accidents from family members, under the Freedom of Information (Scotland) Act 2002.</p> <p>I should point out that when an accident is reported to us, it is classed as personal information in view of the contents. The release of road traffic incidents would identify individuals involved and is therefore classed as personal data. This information would therefore be exempt under Section 38 of the Freedom of Information (Scotland) Act 2002, because to release this information, in these circumstances, would be a breach of the first data protection rule, set out in the Data Protection Act, 1998, relating to fair processing. Further, the public expect that information reported to this Force will be kept confidential and the police have a duty of care to uphold this expectation.</p> <p>If you have any questions about the above or I can help in any other way, please do not hesitate to get in touch with me again.</p>
6	Northern	<p>Northern Constabulary has no record of having received any request under the Freedom of Information (Scotland) Act 2002 for police reports in relation to Road Traffic Collisions involving a fatality, from persons</p>

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		<p>other than 'official bodies'. Therefore we have neither released nor turned down those requests and under Section 17 of the Freedom of Information (Scotland) Act 2002 I must inform you that the information is not held.</p> <p>Freedom of Information is not the appropriate mechanism for disclosure of this type of information. I am advised that there has been one instance in the last five years where an approach outwith Freedom of Information has been made for a full collision investigation report. The case was considered individually and, having consulted the Procurator Fiscal, the information was disclosed. This would come within your definition of 'normal business' since the request was neither made nor considered under the Freedom of Information (Scotland) Act 2002. I cannot divulge the circumstances of that particular case which led to a decision to disclose the information but any request would be considered on its own merit and unique circumstances. I understand that the normal fee for a collision investigation report was paid.</p> <p>I hope this will be of assistance to you.</p>
7	Strathclyde	<p>You will be aware that Freedom of Information requests relate to the public disclosure of information recorded by public authorities; each request will contain anything from one to any other number of questions. However, the force also gets any number of routine requests (likely impossible to quantify) from the Procurator Fiscal, legal representatives, accused persons, insurance companies etc seeking information which may relate to fatal road traffic collisions.</p> <p>I seek the undernoted by way of clarification:</p> <p>When you say, "how many requests", do you mean under the Freedom of Information (Scotland) Act 2002 (FOISA), or requests in general?</p> <p>By way of advice and assistance the force has had approximately 10,500 separate questions asked of us since 2005, these are not filed by topic simply by sequential reference number and a general descriptor for the overall request. A word search using the keyword 'fatal' reveals 7 such requests made since 2005, each involving a number of separate questions on the issues of accidents, circumstances, location, vehicles etc involving fatal road accidents. I can give you copies of our responses to such requests if it would be of assistance. However, to absolutely ascertain and confirm if any other request involved separate questions</p>

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		<p>relating to fatal road accidents would require us examining every single question asked since 2005 which could not be done within the FOISA cost provisions.</p> <p>Requests for public disclosure of investigation related material are invariably declined under FOISA for well documented reasons and much debate and explanation on this matter is available from the Scottish Information Commissioner's own website: <a href="http://www.itspublicknowledge.info/Law/FOISAEIRsGuidance/Briefings.asp">http://www.itspublicknowledge.info/Law/FOISAEIRsGuidance/Briefings.asp</a>. The Commissioner also provides guidance for public authorities on the specific exemptions likely to be cited on this matter, namely Sections 34- Investigations and 35- Law Enforcement. However, this is caveated by the understanding that every such request is treated on a case by case basis.</p> <p>I would be grateful if you could get back to me and to ensure no detriment will not begin counting the 20 working day period until you do so.</p> <p><b><i>I then emailed further clarification and requested copies of the responses to the 7 requests referred to in the email.</i></b></p> <p><b><i>Strathclyde's final response:</i></b></p> <p>An electronic search of our files utilising the key word 'fatal' revealed that there have been seven relevant <u>requests</u> made to the Force under the Freedom of Information legislation. However, one of these requests was retracted by the applicant hence no response was necessary. Another of these requests, which was for statistical data, was subsequently processed in full by our Information Management Department as part of their normal business process; consequently my department does not hold a copy of that response.</p> <p>You will be aware from our earlier response to you dated 12 October 2007, that certain information may be requested by writing to Information Resources, The Pinnacle, 255 St Vincent Street, Glasgow G2 5QY. That department, as indicated above, will consider such requests on a 'Business as Usual' basis and involves the recognised procedures for releasing information on payment of the appropriate fee to certain involved parties.</p> <p>Please also find attached the information disclosed under the Freedom of Information (Scotland) Act 2002 in the remaining responses, including those provided to you previously which I have included in their entirety as they relate to you.</p>
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8	Tayside	<p>Having now considered your request in terms of the above Act, I would respond as follows.</p> <p><b>Q1 I wish to know how many requests under the Freedom of Information Act the Force has received for police reports, including crash investigators reports, in relation to road traffic collisions involving a fatality between 2005 to the present day inclusive. I refer to requests from, for example, a member of the immediate family of someone who has been killed in a collision, but excluding routine requests from 'official bodies' such as government departments, insurance agents or solicitors.</b></p> <p>Since the introduction of the Freedom of Information (Scotland) Act 2002 on 1 January 2005 until the date of your request, Tayside Police has received a total of 6 requests which were considered under this legislation where the applicants sought police reports or crash investigators reports relating to fatal road traffic collisions.</p> <p>As release of information under the Freedom of Information (Scotland) Act 2002 is in essence 'release to the world', there is no requirement for applicants submitting requests under this legislation to prove their identity, or to state the reasons for their request. It is therefore not possible to verify whether or not the 6 applicants were members of the immediate family of those fatally wounded. However, I can advise you our records show that 2 of the applications were from solicitors, and in a further 2 cases the information held by Tayside Police infers that the applications were from family members.</p> <p><b>Q2 Of these requests, how many have been released and how many have been turned down?</b></p> <p>In 5 cases the requests were refused, and in the remaining case the applicant withdrew the request.</p> <p><b>Q3 If the Force would usually release the police reports to a requestor, such as a member of the immediate family, under 'normal business', please would you indicate that this is the case and advise me, if possible, of the number of requests the Force has released under this procedure.</b></p> <p>In relation to this matter, police staff within our Road Policing Unit who deal with road accident reports have confirmed that there is no record of any member of the immediate family of a person fatally injured in a road traffic collision, having requested copies of accident reports or crash</p>
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		<p>investigation reports under 'normal business'.</p> <p>Further information regarding the availability of road accident reports is available on the Tayside Police website (Publication Scheme – Charging Regime – Provision of Reports) via the following link:  <a href="http://www.tayside.police.uk/foi_scheme_char.php">http://www.tayside.police.uk/foi_scheme_char.php</a></p>
	<b>English Police Forces</b>	
1	Avon & Somerset	Ongoing
2	Bedfordshire	<p><b>Response:</b> After searching our FOI database we could find only one case that fulfilled your whole criteria which dated back to 2006. This was in connection with a fatal road traffic collision which took place on Luton Road, Dunstable on 29 Sept 2005. In this case, the information was not released and exempt disclosure under Section 21 (Information reasonably accessible by other means) and the applicant was referred to the Collisions Administration Unit (CAU).</p> <p><b>Note:</b> Please note that Bedfordshire Police may have had other requests for similar information the FOI Act. However, these may not have been logged/recorded as the applicant may have been advised "under normal business" directly of the unlikelihood of disclosure of any police reports of this type through FOI legislation route and advised of Data Protection legislation around third party disclosure issues and would also have probably been forwarded on to the Bedfordshire CAU.</p>
3	Cambridge	<p>The Freedom of Information Act 2000 (The Act) requires us to handle all requests in a manner that is blind to the identity of the requestor. Any information released in response to a request is regarded as being published, and therefore in the public domain without caveat.</p> <p>We have completed all searches within Cambridgeshire Constabulary and hereby enclose your response.</p> <p>&gt;&gt;&gt;Your clarified request asked two questions about road traffic collisions involving a fatality. The first question asked about Freedom of Information requests we received and the second was for information about the procedures we operate in relation to requests from immediate family members.</p> <p>Our response is below.</p>

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		<p>Your first question was asking about the number of Freedom of Information requests (FOI) for crash reports involving a fatality. Any FOI requests we receive are entered onto our tracking system. We then use to system to control the progress of the request from initial receipt to final response. On an annual basis we remove requests that are more than two years old. The current information in our tracking system is therefore data received from 01 January 2007 onwards. We do not hold records of any requests received prior to this date.</p> <p>We have searched the system for information to answer your request based on keyword searches for 'fatality' 'crash' and 'investigator'. These searches will pick up variations in the keywords such as 'fatalities' and 'investigations'. These searches provided a list of requests which having reviewed them none ask for police reports / investigators reports. We therefore hold no information to answer this question.</p> <p>Your second question asked for information about our procedure for releasing such information to immediate family members. As you will appreciate this is a very sensitive area and we would not send such a file through the post. It is likely that these files will contain items such as post mortem reports and photographs and it would be inappropriate to send such documents. What happens with these requests is they are passed to the Senior Investigating Officer or Family Liaison Officer or investigating officer who have in the past paid a personal visit to families to discuss with them.</p>
4	Cheshire	<p>In accordance with section 1(1) (b) of the Act our response is provided below:</p> <p>Question 1. One request from family member. Question 2. None Question 3. One</p> <p>If I can be of any further assistance in this matter, please do not hesitate to contact me.</p>
5	City of London	<p>We have not received any Freedom of Information requests for police reports into fatal road traffic collisions in the time period stated.</p> <p>We have received a number of FOI requests relating to collisions statistics in general, but not for reports into specific incidents.</p>

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		I have also consulted our Criminal Justice and Roads Policing units, which are the two departments that deal with RTCs, and they have confirmed that they have not received any requests for copies of Collision Investigation Reports.
6	Cleveland	<p>Since the 1st January 2005 Cleveland Police Freedom of Information unit have had 2 requests for copies of the Police reports pertaining to Fatal Road Traffic collisions and one request for a specific report re such a collision - which was not held, so no such information could be provided.</p> <p>Regarding the 2 applicable requests, in both cases the information was refused under the Act, however having had guidance from the Information commissioner himself - Mr Richard Thomas - both requesters were offered the opportunity outside of the Act to visit our offices and view the documents in our presence.</p> <p>Under Business as usual (so long as the inquest and any court case/police action has been concluded) for a fee of £70 for the Police report and a further £300 for the Fatal file this can be provided, however certain information and documents will not be provided within this package for any fee, such as postmortem report, personal details, certain photographs and summaries.</p> <p>If you are not satisfied with this response or any actions taken in dealing with your request you have the right to request that we review your case under our review procedure. If you decide to request that such a review is undertaken and following this process you are still dissatisfied you then have the right to direct your complaint to the Information Commissioner for consideration.</p> <p>I hope the above is of help to you and if I can be of any further assistance please do not hesitate to contact me.</p>
7	Cumbria	<p>Your request has now been considered and I can advise that no information is held in relation to your request. I inform you that no requests have been made under the Freedom of Information Act 2000, in relation to fatal traffic collision police reports from 2005 to date.</p> <p>Any requests of this nature would be dealt with by our Collision Enquiries Department.</p>
8	Derbyshire	To locate the information relevant to your request searches were conducted at Business Support. When dealing with a fatal road collision the Roads Policing Unity will ensure that the families of victims are provided

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		<p>with the highest level of support from a trained family liaison officer. The family liaison officer of FLO s appointed to the bereaved family to act as an investigator, provide support to the family and answer any questions they may have keeping them informed throughout the whole investigation.</p> <p>Question 1 – 4 Question 2 – none Question 3 – none</p> <p>It should be noted that of the four requests received, the outcome of the requests are as follows:</p> <p>2 requests were withdrawn after the family liaison officer spoke with the families 1 requests was from an estranged wife who was advised to contact the Coroner 1 request was for a set of photographs - this has not been pursued further to date.</p> <p><u>N.B</u></p> <p>Police forces in the United Kingdom are routinely required to provide statistics and information 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 and information. 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.</p> <p>Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large disparate administrative data systems generated by the courts and police forces. The detail collected to respond specifically to your request is subject to the inaccuracies inherent in any large scale recording system. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used. The figures provided therefore are our best interpretation of relevance of data to your request but you should be aware that the collation of figures for ad hoc requests may have limitations and this should be taken into account when those data are used.</p> <p>If you decide to write an article / use the enclosed data we would ask you to take into consideration the factors</p>
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		<p>highlighted in this document so as to not mislead members of the public or official bodies or misrepresent the relevance of the whole or any part of this disclosed material.</p> <p>In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. The department therefore, will be simultaneously releasing to the public the information you requested.</p>
9	Devon & Cornwall	<p>As discussed in our telephone conversation on October 15, 2009, I can confirm that information falling within the description specified in your request is held by Devon and Cornwall Constabulary. However, the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the 'appropriate limit' of 18 hours as set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.</p> <p>In order comply with your request we would need to manually search through all Freedom of Information Act requests that have been received since 2005. It is apparent that it would take a considerable amount of time to conduct such comprehensive searches of all requests that could possibly relate to your request. It should be noted that FOI requests are recorded in Excel spreadsheets and within a case management system, which would need to be searched by 'key words' which could be related to your request. This would however mean that not all requests may be captured should it be recorded under a different term. Please also note that some requests would be dealt with under a generic term, and not necessarily detail the fact that a collision was fatal. In order to ascertain this it may mean further extensive searches on the information available.</p> <p>It is therefore clear that it would take a considerable amount of time to provide such data from 2005 to date, and as such completion of this request would be over the 'appropriate limit' for this request as specified within the Act.</p> <p>In accordance with section 12(1) of the Freedom of Information Act 2000 this constabulary is not obliged to respond to your request and this letter acts as a Refusal Notice for your request.</p> <p>As discussed within our telephone conversation, FOI requests of this kind are usually responded to stating that such requests are usually dealt with by the Force Collisions Unit in a 'business as usual' process. I have provided a copy of the generic guidance that is usually issued to those individuals who ask for such</p>

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		<p>information under the Freedom of Information Act, which should hopefully be of interest to you:</p> <p>'I regret that I will not release the information you requested under the Freedom of Information Act 2000. We receive many requests for this type of information very regularly. All police forces charge for this type of information and the Association of Chief Police Officers' policy is that where normal business processes have historically levied a fee, the charging structure will be maintained and such information will continue to be dealt with in accordance with the agreement between the Secretary of State for the Environment and the Motor Insurance Bureau. The Information Commissioner is fully aware of this position.</p> <p>Should you, your solicitor or your insurer want this information please apply to the Force Collisions Unit, Crownhill Police Station, Budshead Way, Crownhill, Plymouth PL6 5HT.'</p> <p>If you would like to make a new request which narrows the scope of your current request, we may be able to comply with that request within the appropriate limit. Should you wish to discuss how to refine your request, please contact this Unit and we will be happy to assist.</p>
10	Dorset	<p>We have checked our records and could find only one request made about a specific road traffic collision involving a fatality during the relevant period. The request was not dealt with under the Freedom of Information Act to enable the release of some information in confidence to family members as part of the family liaison process.</p> <p>In 2009, there were two requests specifically focussing on fatal RTCs, both asked for figures that were supplied in full.</p> <p>As far as we can check, there have been no Freedom of Information requests turned down regarding fatal Road Traffic Collisions. This is mainly because the majority of Freedom of Information requests regarding accidents relate to statistical information and relate to all forms of collision. Generally statistical information is released but details of individual accident reports and investigations are not.</p> <p>Most people involved in Road Traffic Collisions, or their representatives, can get a copy of the collision report through our Civil Disclosure unit. This involves the payment of a fee and is not under Freedom of Information Act but has a quality of confidence. Most requests about individual incidents are forwarded to the Civil</p>

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		Disclosure unit, with the requestors consent.
11	Durham	<p>No information is held in relation to your request. I can inform you that no requests have been made under the Freedom of Information Act 2000, in relation to fatal road traffic collision police reports from 2005 to date.</p> <p>Also, it is Durham Constabulary Central Accident Records policy that all requests for police reports, whether fatal or otherwise, are made by an insurance company, accident investigator, solicitor or other legal representative. Police reports are not supplied at the request of family members or any other member of the public who are directly involved in the accident.</p> <p>I do hope that the information provided is sufficient for your purposes and is of assistance to you.</p>
12	Essex	<p>Essex Police has no recorded requests under the Freedom of Information Act matching your request.</p> <p>In accordance with section 17 of the Freedom of Information Act 2000 (FOIA), this response serves as a formal notification of refusal of your request on the basis that Essex Police does not hold the information you seek access to.</p> <p>Essex Police does have a Road Collision Administration Department who deal with requests for release of information relating to collisions but to retrieve the information requested would require a manual check of all files, a process which would exceed the time / cost constraints of FOI.</p> <p>In terms of Freedom of Information, I am afraid that the specific information you were seeking access to is not held by Essex Police in what is referred to as in a readily accessible format.</p> <p>For the purposes of section 17 (5) of the Freedom of Information Act 2000 (FOIA) this response serves as a formal notification of refusal of your request on the basis that Essex Police does not hold, for the purposes of FOIA, the specific data in a readily accessible format. That is to say, this data is not extractable from a central database or held in a spreadsheet. To ascertain whether this information is held would entail a manual search of Essex Police records; a process which would be likely to exceed the appropriate limit (as mentioned at section 12 of the FOIA) in terms of cost/time (£450 or the equivalent in time of 18 hours).</p>

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		I am sorry that we have been unable to assist you on this occasion.
13	Gloucestershire	Ongoing
14	Greater Manchester	Greater Manchester Police has not received any requests under the Freedom of Information Act 2000 for copies of police reports pertaining to road traffic collisions involving a fatality between 2005 and 20 <sup>th</sup> September 2009. Therefore there is no information held in relation to the following two questions.
15	Hampshire	<p><b>Points 1 and 2</b> Information relating to all FOI requests received by the constabulary since 2005 and their outcomes is published on the Hampshire Constabulary website under the heading 'Disclosure Log' at the following link:  <a href="http://www.hampshire.police.uk/NR/exeres/2B54B776-E079-483C-87F1-553867DB50DE.htm">http://www.hampshire.police.uk/NR/exeres/2B54B776-E079-483C-87F1-553867DB50DE.htm</a>disclosure</p> <p><b>Point 3</b> To determine the number of requests that have been received by the RPU IMU Records that have been either released or refused is information that is not held in a retrievable format. The cost of determining if the information is held, locating and retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. It is estimated that it would cost more than £450 to comply with your request.</p> <p>Between 2005 and 2008 there were a total of 298 fatal road traffic accidents. To determine of those accidents, how many resulted in a request for the accident report, would involved manually reading through each and every report. From this search, further review would be required to determine the identity of the requestor if held. This whole process would be extremely time-consuming, clearly exceeding the cost limit in this case.</p> <p>In accordance with the FOI Act 2000 this letter acts as a Refusal Notice in respect of this part of your request.</p> <p>You may wish to refine your request by narrowing down the search parameters – for example, choosing a more refined date period such as one month, thereby significantly reducing the number of records that would need to be manually searched to retrieve the information you are seeking.</p>

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16	Hertfordshire	<p>I am able to confirm that your request has been processed under the terms of the Freedom of Information Act 2000 (FOI) and following a search of the logging systems for Freedom of Information requests there are no records of such requests being logged.</p> <p>A request of this nature would not be processed under the Freedom of Information Act as it is a request for information which would be classed as personal data and the applicant would be directed to the Hertfordshire Constabulary Process and Collisions Department, who would deal with the request accordingly.</p>
17	Humberside	<p>This is to inform you that we only retain paper records for a period of three years, however, Collision Records cannot recall any recent correspondence direct from a relative of a deceased requesting a complete Collision Report.</p> <p>Documentation can be released by the Coroner at the time of the inquest, but the complete paperwork is usually provided by the Collision Records Unit.</p> <p>We have in the past allowed family members to view fatal files on conclusion of all enquiries/inquest etc at the Station.</p> <p>Collision Reports would only released to individuals who have an active interest in the incident.</p> <p>It is unusual not to have any 'official representatives' acting on the deceased families behalf as the majority of insurance companies need the paperwork to bring settlement to outstanding claims</p> <p>In relation to requests made under the Freedom of Information legislation, I can confirm that we have not received any such requests.</p> <p>Should any further information be requested regarding this topic, a separate request will need to be submitted.</p> <p>If I can be of any further assistance on this matter please do not hesitate to contact me.</p>
18	Kent	<p>We have searched our records and this information is not collected and collated, or extractable from our</p>

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		systems via a database query so to that extent is not held. Therefore there is no information in relation to your request held by Kent Police.
19	Lancashire	Your request has now been considered and unfortunately it will not be possible to provide the information you are seeking at this time. We have interpreted your request as "how many requests <i>under the Freedom of Information Act</i> has the Force had...", as it would not be possible to trace and collate all requests made through all 'normal business' avenues. Each request made to Lancashire Constabulary under the Freedom of Information Act is filed in a hard copy folder. We do maintain an electronic record of all requests, but this has only limited information recorded about the nature of the request and how much or how little information was released. I do not feel that searching this electronic database would retrieve enough information for me to provide a suitable response to your request. In order to accurately retrieve all the data you have requested, we would have to manually go through every folder for every request received since the Act was introduced in 2005, which currently stands at over 2000 files. Due to the volume of work this would entail, this task cannot be completed within the 18 hour 'Appropriate Limit' (as defined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004). As a result, Section 12 of the Freedom of Information Act 2000 applies and regrettably this task cannot be undertaken at this stage.
20	Leicestershire	The has been one (1) request received by the Leicestershire Constabulary for reports pertaining to road traffic collisions involving a fatality between 2005 to the present day inclusive, and the request was subsequently refused.
21	Lincolnshire	At the date of your request Lincolnshire Police had received two requests under the Freedom of Information Act for access to police reports, including crash investigators' reports, in relation to road traffic collisions involving a fatality between 2005 to the present day inclusive.  One was refused and the other request is still to be determined.  Lincolnshire Police does not release police reports to a member of the immediate family of someone killed in a collision under 'normal business'.
22	Merseyside	To locate the information relevant to your request, searches were conducted in the Road Traffic Collision Unit The searches located the records relevant to your request.

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		<p>I have today decided to disclose the located information to you. Please find attached my full Response Table. <i>(Please see attached response table in Appendix 2)</i></p>
23	Met	<p>Following receipt of your request searches were conducted within the MPS to locate information relevant to your request.</p> <p><b>EXTENT OF SEARCHES TO LOCATE INFORMATION</b></p> <p>To locate the information relevant to your request searches were conducted at the Traffic Criminal Justice Operational Command Unit.</p> <p><b>DECISION</b></p> <p>There have been no such requests made under the Freedom of Information Act.</p> <p>In all cases police reports would not be released until after a case has been concluded and had become a civil matter. The release of these reports falls within the MPS General Fees and Charges Policy and as such payment would be required. We are unable to supply you with the number of requests made under this procedure as it would entail many hundreds, if not thousands, of entries being searched in the records held here and that would take it above the £450 cost limit threshold of supplying information free of charge laid down by the Freedom of Information Act.</p> <p>Therefore, In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice to that section of the request.</p> <p>Section 17(5) of the Act provides:</p> <p>(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.</p> <p>Section 12 of the Act provides:</p>

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		<p>(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.</p> <p>Under Section 16 (duty to assist) we are required to offer you the opportunity to redefine your request within the cost limit. Therefore, we invite you to redefine your request within three months from the date of this letter. If we do not hear from you by 13/01/10 we will treat this request as withdrawn.</p>
24	Norfolk	<p>To locate the information relevant to your request, searches were conducted within the Criminal Justice Services Department of the Norfolk Constabulary.</p> <p>The Criminal Justice Services Department (CJS) has confirmed that they do not keep statistical records relating to the origin of requests for Police reports concerning road traffic accidents involving a fatality. It has been estimated that to examine each fatal road traffic accident report created since January 2005 for details of applications for Police reports and the origin of those requests would of 50 hours. There is no automated process that can be used to obtain this data as information relating to the status of an applicant for Police reports would only be held by virtue of letter headed note paper received in correspondence, declarations made by the applicant in any written application, or notes of telephone calls received/made. To retrieve any such data would therefore be possible via the manual retrieval of the paper case file, and the manual examination of each file.</p> <p>Section 12(1) of the FOIA states that a public authority is not obliged to:  <i>"...comply with a request for information if the authority estimates that the coast of complying with the request would exceed the appropriate limit."</i></p> <p>The Freedom of Information (Appropriate Limit and Fees) Regulations, defines the 'appropriate limit' for the Norfolk Constabulary as £450, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.</p> <p>In accordance with Section 17(5) of the FOIA (2000), as we estimate that provision of the information you have requested would require in excess of 50 hours work (or an approximate financial cost of £1250), this letter serves as a <u>Refusal Notice</u> for your request.</p>

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25	Northants	<p>I can confirm that Northamptonshire Police does not collate this information, therefore no information is held. Each individual file would need to be examined to ascertain whether any such request was made and the subsequent outcome. Generally speaking, if a request is made for an abstract of a file, it will be released and details recorded on the paper file.</p> <p>I am sorry I can be of no more assistance.</p> <p><b><i>I emailed again to clarify request and received the following response:</i></b></p> <p>I am still uncertain as to the clarification of your request. You might wish to phone me to discuss further.</p> <p>Obtaining information in relation to fatalities is dealt with as business as usual in respect of requests from 'interested parties'. Business as usual requests are not collated. The only entry will be on individual paper files as I stated in my initial response.</p> <p>If you are specifically referring to requests made under FOI only, there will only be one or two.</p> <p><b><i>I then telephoned on 22.10.09 and explained about the research being undertaken. I received extremely helpful information and advice.</i></b></p>
26	Northumbria	<p>We have now had the opportunity to fully consider your request and I provide a response for your attention.</p> <p>I can confirm no requests have been made under the Freedom of Information Act for such police reports.</p> <p>The correct way to request such information requires the completion of the relevant form and payment of a fee. This form is freely available on the Northumbria Police website. In order to aid you further I have supplied the link below.</p> <p><a href="http://www.northumbria.police.uk/Images/TARIFF%20REQUEST%20FORM%202009%202010_tcm4-10867.pdf">http://www.northumbria.police.uk/Images/TARIFF%20REQUEST%20FORM%202009%202010_tcm4-10867.pdf</a></p>

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		<p>If a member of the immediate family requested a copy of the fatal collision report, it would be supplied on receipt of the fee.</p> <p>It is not possible to state how many such requests have been release or turned down. This would entail all files, some of which are would require retrieval from archives, to be manually examined to establish which, if any, came from a family member. We have estimated that to extract this information would take over 18 hours, therefore Section 12 of the Freedom of Information Act would apply. This section does not oblige a public authority to comply with a request for information if the authority estimated that the cost of complying with the request would exceed the appropriate limit of 18 hours, equating to £450.00</p> <p>You should consider this to be a refusal notice under section 17 of the Act for that part of your request.</p>
27	North Yorkshire	<p>Between 2005 to the present day inclusive, four requests under the Freedom of Information Act have been located relating to the request for police reports/information in relation to road traffic collisions involving a fatality.</p> <p>Information was disclosed on one of the requests, subject to the deletion of information pursuant to the provisions of Section 40 and 41 of the Freedom of Information Act.</p> <p>North Yorkshire Police no longer hold the information relating to two of the requests, therefore we were unable to supply the information.</p> <p>One request was refused.</p> <p>As this data has been retrieved by running a manual search to retrieve the information, we endeavour to ensure the data provided is precise but we cannot guarantee that the figures are 100% accurate.</p>
28	Nottinghamshire	<p>Nottinghamshire Police has 259 road traffic collisions recorded on our system since 2005. To determine if such requests have been made, a manual search of each file would be required. This would exceed the cost threshold of £450 under section 12 of the Freedom of Information Act 2000.</p> <p>This letter constitutes a refusal notice under Section 17 of the Freedom of Information Act 2000 with section</p>

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		<p>12 of the act being applied.</p> <p><b>12. – (1)</b> 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.</p>
29	South Yorkshire	<p>I have searched the databases relevant to Freedom of information Requests and compiled the schedule attached to this correspondence. This schedule details all requests and responses processed by South Yorkshire Police under the Freedom of Information Act between 01/01/2005 and the present date.</p> <p>With regard to your query concerning requests and policy concerning response to those requests:</p> <p>South Yorkshire Police do not, at the moment, have such a policy in place. However the Department concerned are currently reviewing their procedures to establish whether such a policy is required. Such requested information may attract exemption under the Freedom of Information Act or may require detailed deliberation with regard to the 'Data Protection Principles' each case would require careful consideration on its own merits.</p> <p>The Department concerned can only bring to mind one such request as you describe and this is currently under consideration.</p>
30	Staffordshire	<p>Your request for the above information has now been considered, I therefore provide the information below:</p> <ol style="list-style-type: none"> <li>1) Under the FOIA, there have been nil requests for police reports pertaining to road traffic collisions involving fatalities. Freedom of Information requests have resulting statistical information only being provided.</li> <li>2) Nil.</li> <li>3) Nil.</li> </ol>
31	Suffolk	<p>I can confirm that under the FOIA, Suffolk Constabulary has received no requests for copies of Police Reports pertaining to Road Traffic Collisions involving a fatality between 2005 to present day.</p> <p>Suffolk Constabulary have procedures for obtaining this type of documentation, and therefore, such requests for Police Reports from family members or insurance companies etc, would be dealt with by our Road Safety Management Unit.</p>

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		Information disclosed under the FOIA becomes available to the world and therefore any such like report, which can identify a person or family, would not be released under this Act.
32	Surrey	<p>We have received one request under Freedom of Information which was passed on as normal business to the relevant accident and process department.</p> <p>I have checked with the accident and process departments and they can confirm that they have only received requests from official bodies, i.e. insurance companies, solicitors or loss adjusters.</p>
33	Sussex	<p>Having checked our records relating to FOI requests I can find no record that refers to a member of the public having ever requested a copy of a Fatal RTC report from us under FOI. I have therefore determined that, in respect of this part of your request, there is no information held.</p> <p>In general terms, were such a request be received under FOI, there would potentially be a number of exemptions applicable to the information and it is very unlikely that we would consider any release of such information under the Act.</p> <p>Copies of Fatal Collision Reports are available under our normal business practices albeit there would be a fee for the disclosure and generally they would only be released to those who have a legitimate interest in the contents such as solicitors and others as mentioned in your request. I have spoken with staff at our Collision Unit who confirm that they do release records on payment of a fee and subject to consent of third parties. They do not however, keep separate records of the number of such requests or who the requestor is in relation to the collision. I am therefore unable to answer more specifically the second part of your request in this regard.</p> <p><b><i>I emailed the force to ask for clarification as follows:</i></b></p> <p><i>Thank you for your response to my FOI request. You mention in the email that the Collision Unit does release police records on payment of a fee, and subject to consent of third parties, to those that have a legitimate interest in the contents such as solicitors and others as mentioned in my request.</i></p>

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		<p><i>Please can you advise if a member of the immediate family of a fatal road crash victim requested this information under 'normal business' would it be released as it would to a solicitor and others as mentioned in my request?</i></p> <p>Response as follows:</p> <p>Thanks for your email. I have again spoken to the Collision Unit and they advise that normally they would NOT consider release of a fatal accident report to members of the immediate family of the victim. The preferred approach would be to ask the Family Liaison Officer (who would be appointed to the family) to keep the family up to date with the enquiry and to disclose any relevant information. If the family insisted on a copy of the report, consideration would be given to the possible impact on the family (and others) of the release of the information and were it deemed appropriate to release the information, it would be subject of the standard fees. (Currently £115 for a report of up to 24 pages and then £10 per page after that)</p> <p>I hope this clarifies the position in this regard.</p>
34	Thames Valley	<p>The information requested is not held routinely in an easily retrievable format or at the level you require on ICT systems used by Thames Valley Police. Any attempt to retrieve the information specific to your request would involve a complicated and prolonged search of records which would not necessarily provide accurate results and would exceed the appropriate cost limit of £450.</p> <p>The cost of providing you with the information is above the amount we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "Appropriate Limit" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.</p> <p>Section 12(1) of the Freedom of Information Act allows that public authorities do not have to comply with section 1(1) of the Act if the cost of complying would exceed the appropriate limit. It is Thames Valley Police general policy that should a request for information exceed the appropriate level then we will exercise our legal right not to respond but cases will be assessed individually to consider the implications.</p> <p>In accordance with the Freedom of Information Act, this letter represents a Refusal Notice for this particular request.</p>

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35	Warwickshire	<p>Following receipt of your request searches were conducted within Warwickshire Police to locate information relevant to your request. Please note that the Warwickshire Police Freedom of Information Office have received one request for a Police report in the period requested, however, the request was refused under Section 21 of the Freedom of Information Act 2000, as the information is accessible by other means. The Force's Accident and Process Department process all requests for accident reports.</p> <p>In relation to the number of requests received, turned down, released and received by a family member of the deceased, Warwickshire Police do not record this information for statistical purposes, therefore it is not readily identifiable. To locate and identify the statistical information requested would require a member of staff to establish, firstly how many requests had been made for accident related reports in the requested period and then further searches would have to be conducted in order to identify if the request had been made by an immediate family member of the deceased. This would involve a disproportionate amount of effort, which would take us over the fees limit (£450) as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. Even then this information may not be accurate as we would not be able to guarantee that an immediate member of the deceased family requested the report.</p> <p>In accordance with Section 12(1) of the Freedom of Information Act 2000, please treat this letter as the Refusal Notice I am required to provide to you.</p>
36	West Mercia	<p>1. I wish to know how many requests under the Freedom of Information Act the Force has received for police reports, including crash investigators' reports, in relation to road traffic collisions involving a fatality between 2005 to the present day inclusive.</p> <p>I refer to requests from, for example, a member of the immediate family of someone who has been killed in a collision, but excluding routine requests from 'official bodies' such as government departments, insurance agents or solicitors. Of these requests, how many have been released and how many have been turned down?</p> <p><b>Reply:</b> No recorded information held. To explain further, there are no such requests recorded on our system under the Freedom of Information Act.</p>

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		<p>2. If the Force would usually release the police reports to a requester, such as a member of the immediate family, under 'normal business' please would you indicate that this is the case and advise me, if possible, of the number of requests the force has released under this procedure.</p> <p><b>Reply:</b> It is not possible to establish by searching on the computer recordings systems within West Mercia, whether a police report was provided to an immediate family member, it would be necessary to conduct a manual trawl of paper records.</p> <p>During the above period there are 377 road death incidents recorded on the above system of which 344 are shown as closed and this is the number which would have to be manually examined. Allowing a minimum of 10 minutes to trace the file and then search it for the data requested, would entail in excess of an additional 56 hours of work. Therefore the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.</p> <p>In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice for this part of the request.</p> <p>Under S 16 I have a duty to offer advice and assistance, therefore I can inform you that Police reports would be released to immediate family members once a case file was closed if requested, however advice would be sought via our force Legal Department, as requests of this nature are rare and usually made by solicitor's acting on their behalf.</p>
37	West Midlands	<p>West Midlands Police have not received any Freedom of Information requests from family members of a person killed in a Road Traffic Collision (RTC). Any requests for such information would be handled by the Operational Command Unit (OCU) in the area where the collision occurred, who would provide a copy of the report if requested by a solicitor, acting on behalf of a defendant.</p> <p>They would also provide a report to a solicitor who is acting for the family for bona fide reasons (i.e. consideration of civil proceedings) or insurance companies but this is subject to specific costs.</p> <p>In each fatal RTC a family liaison officer is appointed to the family and the senior investigating officer will visit</p>

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		<p>the family and allow them opportunity to read the file if they wish to prior to any court proceedings.</p> <p>The cost of compliance with your request as to whether a family member has requested a copy of a police report from an OCU would involve researching each individual RTC case which would exceed the appropriate costs limit under section 12 of the Freedom of information Act 2000. For West Midlands Police, the appropriate limit is set at £450, as prescribed by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, S.I. 3244.</p>
38	West Yorkshire	<p>Thank you for your recently received email clarifying your request. This has been relayed back to the department who are dealing with the 'business as usual' report requests and they have explained to us that they will not be able to provide data from 2005 to 2009 within the legal time frame for a Freedom of Information request. They have advised, however, that they would be able to provide you with around two years of data within cost.</p> <p>Bearing this in mind, if you are happy to receive two years of data please could you let us know whether you would like the most recent data available (i.e. going back from 2009) or whether you would like data starting from 2005?</p> <p>Please let us know how you would like us to proceed so we can continue with your request.</p> <p>Please note that this request will now be put on hold until we receive a response from yourself. If we do not receive a response within 60 days your request will be withdrawn.</p>
39	Wiltshire	<p>The department responsible for the disclosure of police reports pertaining to road traffic collisions (RTCs) does not keep a specific record/total of how many requests are made/sent out regarding C/I A/I reports. Each individual case is stored on the RTC system and a record made in that file's "message box" that such a report has been requested/sent out. To establish which ones have been requested by 'family members' for example, would have to involve the manual search of every RTC log. Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the request falls under the exemption of section 12 of the Freedom of</p>

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		<p>Information Act 2000.</p> <p>For your information most requests for abstract reports AI/CI reports are made though the insurance companies or solicitors. Should a member of the family contact Wiltshire Police, which is very rare, regarding information on a file or how best they should go about obtaining a copy etc they would be advised, like any other request, that a copy would only be released when it is all completed and would <i>usually</i> suggest that they go through their solicitors/insurance companies.</p> <p>To clarify; if the RTC department had details of a particular case they could, subject to data protection legislation, disclose precisely what is happening with a report. However to determine the total amount disclosed to 'family members' would have to involve a log by log trawl.</p> <p>Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.</p> <p>Exemption applied:</p> <p>Section 12: Exemption where cost of compliance exceeds appropriate limit</p> <p>(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.</p>
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**APPENDIX 1**

**INITIAL FOI REQUEST**

This is a request under the Freedom of Information (Scotland) Act 2002.

Please send me the following information:

1. How many requests has the Force had for police reports pertaining to road traffic collisions involving a fatality between 2005 to the present day inclusive?
2. How many have been released?
3. How many have been turned down?

**CLARIFICATION PROVIDED WHERE REQUESTED**

I wish to know how many requests under the Freedom of Information Act the Force has received for police reports, including crash investigators' reports, in relation to road traffic collisions involving a fatality between 2005 to the present day inclusive.

I refer to requests from, for example, a member of the immediate family of someone who has been killed in a collision, but excluding routine requests from 'official bodies' such as government departments, insurance agents or solicitors. Of these requests, how many have been released and how have been many turned down?

If the Force would usually release the police reports to a requester, such as a member of the immediate family, under 'normal business' please would you indicate that this is the case and advise me, if possible, of the number of requests the force has released under this procedure.

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**APPENIDX 2**

**FINAL RESPONSE TABLE FROM MERSEYSIDE POLICE**

REQUEST	RESPONSE	ADDITIONAL INFORMATION
1. How many requests has the Force had for police reports pertaining to road traffic collisions involving a fatality between 2005 to the present day inclusive?	2005 14 Recorded (From August only, when we put in place a system to record requests)	Requests for copies of Fatal Police Reports are granted to those who are involved or others (Solicitors / Insurance Companies) acting on their behalf or with an interest in the vehicle/property involved .We only record the number of requests, not who the request is from.
	2006 28 Recorded	
	2007 37 Recorded	
	2008 50 Recorded	
	2009 41 Recorded	
	Total 170	
2. How many have been released?	No Information held	We do not collate these figures at the present time. Reports will not go out till the inquests have been held and the report has been finalised.
3. How many have been turned down?	No Information held	We do not collate these figures at the present time. The only reason a request would be turned down if it happened to be from someone who was not involved in the accident.

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25<sup>th</sup> November 2009**