

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 December 2024

**Public Authority:** Police Service of Northern Ireland

**Address:** 65 Knock Road  
Belfast  
BT5 6LE

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information from the Police Service of Northern Ireland (the PSNI) regarding a specific murder case. The PSNI refused the request citing section 14(2).
2. The Commissioner's decision is that the PSNI was entitled to rely on section 14(2) when refusing part of the request, but was not entitled to rely on section 14(2) for the remaining parts of the requests. The Commissioner also finds that PSNI breached section 10(1) by failing to respond to request one within 20 working days.
3. The Commissioner requires the PSNI to take the following steps to ensure compliance with the legislation.
  - Either disclose the requested information, or issue an appropriate refusal notice which does not rely on section 14(2) as outlined in paragraph 34.
4. The PSNI must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

---

5. On 29 April 2024, the complainant wrote to the PSNI and requested information in the following terms:

“who (rank) refused to authorise an answer/provide clarification to enquiries to PSNI Press Office in relation to the Katie Simpson murder investigation on 23 January 2024 (responded to 30 January 2024) seeking (i) the date a murder inquiry was launched and (ii) the date uniform officers first requested detective input?”
6. On 8 May 2024, the complainant wrote to the PSNI again and requested information in the following terms:

“In terms of the murder of Katie Simpson what type of [postmortem] was requested by PSNI following death on 9 August 2020 (i.e. forensic or non-forensic) and on what date was this sought?”
7. The PSNI wrote to the complainant on 21 May 2024 to advise that the requests were being aggregated.
8. The PSNI responded formally to the request on 3 June 2024. It stated that the request was being refused under section 14(1). A position which was maintained during its internal review.

## Scope of the case

---

9. The complainant contacted the Commissioner on 27 June 2024 to complain about the way their request for information had been handled.
10. During the Commissioner’s investigation, the PSNI advised that it was now relying on section 14(2).
11. The Commissioner considers that the scope of his investigation is to determine whether the PSNI were entitled to rely on section 14(2) when refusing this request.
12. The Commissioner will be referring to the request made on 24 April 2024 as request one, and the request made on 8 May 2024 as request two.

## Reasons for decision

---

### Section 14(2) – repeated requests

13. Section 14(2)<sup>1</sup> of FOIA states that:

“Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.”

14. This means that section 14(2) of FOIA may only be applied when all three of the following criteria have been fulfilled:

- the request is identical or substantially similar to a previous request from the same requester;
- the public authority has previously provided the information to the requester or confirmed that it does not hold the information in response to an earlier FOIA request; and
- a reasonable interval has not elapsed between the new request and compliance with the previous request.

### **The PSNI's position**

15. The PSNI advised the Commissioner that it had previously handled several requests from the complainant which were either identical or similar to requests one and two.

16. In relation to request one, the PSNI referred the Commissioner to evidence which showed that it had previously responded to a similar request. The request was made on 1 February 2024, for the following information:

“Under Freedom of Information legislation please clarify the following in respect of the Katie Simpson murder case (Crime Reference Number 361/3/8/20 (date of death 9 August 2020):

Question 1. On what date was the murder inquiry launched?

Question 2. On what date(s) did the Local Policing Team request input CID?”

17. The PSNI advised the Commissioner that dates were provided to both the questions above and explained that police officers within CID are

---

<sup>1</sup> [Dealing with repeat requests | ICO](#)

detectives, meaning that any action from therein would also be classed as "detective input".

18. The PSNI stated that for the remaining question in request one:  
"who (rank) refused to authorise an answer/provide clarification to enquiries to PSNI Press Office in relation to the Katie Simpson murder investigation on 23 January 2024 (responded to 30 January 2024) seeking"
19. It had advised the complainant that it was unable to provide the requested information due to the cost/time involved in complying with the request. It cited section 12(1) when doing so.
20. Finally, the PSNI advised the Commissioner that the context of request two did not differ significantly from that of previous requests it had received. The PSNI presented the Commissioner with evidence which showed that the complainant had made multiple requests for information relating to the murder of Katie Simpson, but nothing specifically about the postmortem.

### **The Commissioner's decision**

21. Having reviewed the PSNI's position for both requests, the Commissioner has determined that the PSNI was only partly entitled to rely on section 14(2) when refusing the request.
22. The Commissioner notes that request one asks for the following:  
"the date a murder inquiry was launched" and "the date uniform officers first requested detective input?"
23. And from the evidence provided by PSNI, the complainant made a different request on 1 February 2024, also asking for the following:  
"Question 1. On what date was the murder inquiry launched?  
Question 2. On what date(s) did the Local Policing Team request input CID"."
24. Having considered request one and the previous request made on 1 February 2024, the Commissioner is satisfied that PSNI is correct when advising that both requests made by the complainant contained a repeated question. He also considers that the remaining question in request one was substantially similar in nature to the remaining question in the request made on 1 February 2024. Both questions relate to input from detectives and therefore would result in the same information being disclosed. The PSNI has been able to confirm this by

explaining that police officers within CID are detectives and therefore both questions would have located the same information.

25. For the above reason, the Commissioner is satisfied that PSNI was entitled to rely on section 14(2) for the two questions above in request one.
26. Turning to the remaining question within request one; having reviewed the evidence provided to him, the Commissioner notes that the PSNI has previously refused requests citing section 12(1), which related to the following:

"who rank/s) blocked the enquiry to PSNI Press Office of 23 January 2024 (responded to on 30 January 2024) seeking the date the Katie Simpson murder inquiry was launched"
27. Section 14(2) is clear that a request can only be refused under this section, where the three criteria have been met. As the PSNI refused the request under section 12(1), it has not met the criteria of:

"previously provided the information to the requester or confirmed that it does not hold the information in response to an earlier FOIA request".
28. For this reason, the Commissioner is satisfied that the PSNI was not entitled to rely on section 14(2) when refusing this part of the request.
29. The Commissioner also finds that the PSNI was not entitled to rely on section 14(2) for request two. Whilst he acknowledges that the complainant has made varying requests regarding the murder of Katie Simpson. Request two is the only request which relates to a postmortem. It is the Commissioner's view that request two is not repeated, nor is it substantially similar to the previous requests.
30. This is because it is wider in scope than any of the previous requests presented to the Commissioner. At no point in these previous requests did the complainant request information regarding the postmortem. This means that any information held by PSNI which may fall into the scope of the new request, would not have fallen into the scope of the complainant's previous requests.
31. For that reason, it cannot be said that the PSNI has previously complied with the request. The Commissioner therefore finds that the PSNI was not entitled to rely on section 14(2) when refusing request two.
32. The Commissioner now requires the PSNI to either issue an appropriate refusal which does not rely on section 14(2), or disclose the requested information for the following parts of the requests:

“who (rank) refused to authorise an answer/provide clarification to enquiries to PSNI Press Office in relation to the Katie Simpson murder investigation on 23 January 2024 (responded to 30 January 2024)”

“In terms of the murder of Katie Simpson what type of postmortem was requested by PSNI following death on 9 August 2020 (i.e. forensic or non-forensic) and on what date was this sought?”

### **Procedural matters**

---

33. Section 10(1) requires a public authority to issue its response within 20 working days. In the circumstances of this case, the PSNI failed to respond to request one within 20 working days and therefore breached section 10(1).

## **Right of appeal**

---

34. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

35. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
36. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Michael Lea**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**