

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

### **Decision notice**

**Date:** 2 September 2019

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

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

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

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1. The complainant has requested information from the Police Service of Northern Ireland ('PSNI') relating to digital marketing. The PSNI refused the request, citing the cost limit as set out in section 12(1) of the FOIA as a basis for non-disclosure.
2. The Commissioner's decision is that the PSNI has correctly applied section 12(1) of the FOIA to the complainant's request and therefore requires no steps to be taken.

### **Request and response**

3. The complainant on 10 May 2019 made a request for information to the PSNI in the following terms:-

"I would like to know the following information for 2016, 2017 and 2018:

Definition of digital marketing for the purposes of this FOI: Advertising, social media management, content creation. It does not include PR, sales and anything off-line (E.g. billboards)."

- How much is the PSNI's digital marketing budget?
- How much was actually spent?
- How much was spent on PSNI digital marketing staffing?

- How much was spent on outsourcing digital marketing to third-party agencies & freelancers?
  - How much is the retainer, if one, for third-party agencies & freelancers?
  - Who are the third-party agencies & freelancers and how are they chosen?"
4. The PSNI responded to the complainant on 8 June 2019. It refused to disclose the requested information as it estimated that the cost of complying with the complainant's request would exceed the appropriate cost limit under section 12(1) of the FOIA.

### **Scope of the case**

5. The complainant contacted the Commissioner on 20 June 2019 to complain about the way his request for information had been handled.
6. The Commissioner has considered the PSNI's handling of the complainant's request, in particular its application of section 12(1) of the FOIA.

### **Reasons for decision**

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#### **Section 12 – cost exceeds appropriate limit**

7. Section 12 of the FOIA states that a public authority does not have to comply with a request for information if it estimates that the cost of complying with the request would exceed the appropriate limit.
8. The Freedom of Information and Data Protection (Appropriate Limit and Fees) regulations 2004 ("the Fees Regulations") sets the appropriate limit at £450 for the PSNI.
9. A public authority can estimate the cost of complying with a request using a figure of £25 per hour of staff time for work undertaken to comply with a request in accordance with the appropriate limit set out above. This equates to 18 hours of staff time. If a public authority estimates that complying with a request may cost more than the cost limit, it can consider time taken in:

(a) determining whether it holds the information;

- (b) locating a document containing the information;
  - (c) retrieving a document containing the information, and
  - (d) extracting the information from a document containing it
10. Information Tribunal decisions have made it clear that an estimate for the purposes of section 12 has to be 'reasonable' which means that it is not sufficient for a public authority to simply assert that the appropriate cost limit has been met; rather, the estimate should be realistic, sensible and supported by cogent evidence.
  11. In evidence as to whether it has correctly applied section 12 of the FOIA in this case, the PSNI provided a detailed estimate of the time/cost it would take for it to provide the information to the complainant.
  12. The PSNI informed the Commissioner that it does not have a separate budget for this specific type of marketing, therefore in order to extract the information that the complainant is seeking, the PSNI would have to carry out a search of information held across the Corporate Communications Department to ascertain, for the time period of three years as specified in the request, how much of the Corporate Communications Department's work was marketing and how much was spent on this. The PSNI explained that the Department carries out a range of media activities which may engage marketing expenditure; these include corporate communications, internal communications, media campaigns, press office work, digital media, social media activity and local media activity.
  13. The PSNI confirmed that it had carried out a sampling exercise across the Corporate Communications Department in order to ascertain a search parameter as to how it could retrieve information in relation to how much money was actually spent on digital marketing over the time period spanned by the request. As explained, there is no centrally held marketing budget, rather marketing forms a strand of the media work carried out by the Department.
  14. The Department estimated that, for parts 2-5 of the complainant's request, relating to social media, it would take in excess of 31 hours to retrieve information relating to marketing monies spent. They explained that this was due to the complexity of retrieving the information, which was estimated by carrying out a search on one social media outlet, i.e. Facebook, for the year 2018, to see if the information as to how much was spent on digital marketing was

retrievable. Reviewing the expenditure for this one year took one hour, so it was estimated that reviewing Facebook expenditure over the three years specified would take three hours.

15. In relation to digital campaigns, the Department also carried out a general electronic search. They explained that this involved searching through a number of different electronic folders held on their computers and also through the Department's press management system. Locating some of this information for one year took approximately one hour. They explained that searching across all the different work streams to retrieve information relating to the three year period would necessitate six hours' work (six Department staff members each searching for one hour). This would not include the time it would take for other PSNI Departments to search for information relating to digital campaigns that they ran outside of the Corporate Communications Department.
16. In relation to media campaigns, the Department reviewed one specific PSNI media campaign which was recently launched. A member of staff from the Department was able to extract information relating to expenditure for that particular campaign in 15 minutes. The PSNI explained that other members of staff across the Department would have to replicate this exercise in relation to other media campaigns over the three year period, which they had either been working on or held relevant information on. The total time for retrieval of that information for the relevant period was estimated as being six hours.
17. As mentioned in paragraph 15 above, digital marketing campaigns would have been carried out by other Departments within the PSNI. For staff in those Departments to retrieve any relevant information they held, it was estimated that this would take two hours. Also, as the PSNI does not have a centrally held 'marketing budget,' the answer to part 3 of the complainant's request, i.e. 'How much was spent on PSNI digital marketing staffing' would have to be worked out by an Area Media Officer. It was estimated that it would take one such officer two to three hours to work out what percentage of the Corporate Communication staff's salaries equated to pay for digital marketing duties. As there are three Area Media Officers, and the request spans three years, it was conservatively estimated that it would take eight hours for them to extract all of the information to answer part 3 of the request.
18. The PSNI also informed the Commissioner that it sometimes uses freelance third party agencies for digital marketing. It was estimated by a member of staff from the Corporate Communications Department that it would take approximately two hours to locate information

relating to these agencies during the time period spanned by the request. This would involve checking procurement processes and associated costs.

19. The PSNI also stated that it checked with a number of different Departments, used specified appropriate search terms for electronic searches, and carried out manual trawls for relevant information.

### **Section 16 of the FOIA – Advice and Assistance**

20. Section 16 of the FOIA imposes an obligation on public authorities to provide advice and assistance to a person making a request, so far as it is reasonable to do so. Section 16(2) states that a public authority is to be taken to have complied with its section 16 duty in any particular case if it has conformed to the provisions in the Code of Practice in relation to the provision of advice and assistance to bring the cost of a request under the appropriate limit. This can be found in paragraph 2.10 of the Code.
21. The Commissioner is satisfied that the PSNI offered the complainant the opportunity to refine his request. It stated that its Corporate Communications Department would be able to retrieve information on how much was spent on Facebook promoted posts. It also stated that it may be possible for the Department to provide a list of campaigns under their responsibility, where Digital Marketing was used and the equivalent expenditure.
22. The Commissioner is satisfied that the PSNI has provided a realistic and sensible estimate of the time it would take to determine whether it holds the information and locate, retrieve, and extract the relevant information in order to respond to the complainant's request. She is therefore satisfied that the PSNI has correctly applied section 12(1) to the complainant's request.

## **Right of appeal**

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23. 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: 0300 1234504  
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)

24. 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.
25. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Deirdre Collins**

**Senior Case Officer**

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**



