

## FREEDOM OF INFORMATION REQUEST

**REQUEST NUMBER:** FOI Request 003138-17

**REQUEST DETAILS:**

1. *"How does your police force currently measure the height and weight of subjects for the Alcohol Technical Defence Form (MGDD form D)?"*
2. *For the last year data is available what percentage of the measurements of a) heights and b) weights of subjects are estimated for the Alcohol Technical Defence Form (MGDD form D)?"*

**RESPONSE:**

Suffolk and Norfolk Constabularies have considered your request for information and our response is below.

*This response is correct as of 14 February 2017*

In relation to your request for information and in accordance with Section 17 of the Freedom of Information Act 2000 (FOIA), this response serves as a formal notification of refusal for your request. The Constabularies do not hold, for the purposes of FOIA, all of the information you require in a retrievable format.

It is estimated that to attempt to retrieve all of the information you require would take a considerable amount of retrieval time, exceeding the appropriate limit for dealing with Freedom of Information requests in terms of costs and therefore, Section 12(1) of the Freedom of Information Act 2000 applies.

It is considered that to provide an answer to your request will take in excess of 36 hours to provide the information.

In order to establish the number of occasions weight and height have been estimated would require a manual review of all technical defence forms for the last year. Each officer would then need to be contacted to establish how they measured the height and weight of the subject.

For the time frame 1 February 2016 – 1 February 2017, a total of 1160 samples have been submitted for drink/drugs driving analyses, to the Forensic Services department across Norfolk and Suffolk Constabularies. Each would need to be reviewed to establish which of those samples relate to alcohol back calculation, removing those that relate to Section 5a drug cases.

The Constabulary considers that such research would take well in excess of the 36 hours stipulated for joint responses.

Section 12(1) of the Freedom of Information Act 2000 states that a Public Authority is not obliged to: “...comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.” The Freedom of Information (Appropriate Limit and Fees) Regulations, defines the ‘appropriate limit’ for the Constabularies as £450 and specifies that this sum equates to 18 hours work per force at a standard rate of £25 per hour. This equates to 36 hours of work, or £900, for joint responses.

In accordance with Section 17(5) of the Freedom of Information Act 2000, this letter serves as a refusal notice for this part of your request.

By requesting *all* information your request is too broad to be complied with within the limit imposed on Freedom of Information requests.

Although excess cost removes the Force’s obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Height and weight are usually obtained from the accused as the result of a direct question, unless the subject is not available to ask, in which case the height and weight would be estimated by visual assessment by the officer in the case.