



Freedom of Information Request Reference N°: FOI 003610-20

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 29 October 2020 which you sought access to the following information:

1. *“Does your force use, or has it ever = used CS Incapacitant Spray.*
2. *If yes to above, then does your force still use CS, and if not, what does it use now*
3. *If your force has swapped to a different incapacitant spray, when did it = swap and what was the reason for the swap*
4. *Has your force ever had any legal action taken against it from Police Officers in relation to having had a skin reaction to CS Incapacitant Spray,*
5. *if so, and the officer suffered a reaction to CS, did that officer remain employed as an officer or were they retired. If you could include numbers here.*
6. *If the officer did suffer a reaction, were they offered a reasonable adjustment to stay in work*
7. *Does your force have a mechanism in place to report any injuries officers have suffered due to CS/Pepper to a central point. Example of what I mean here is that say two people at different ends of the country both suffer a side effect from Anadin Tablets and report this their GP, then their GP should report this back to a central database so any adverse reactions can be monitored nationally*
8. *Has any member of the public successfully sued your force for skin reactions blisters etc from CS Spray”*

Response to your Request

The response provided below is correct as of 12 November 2020

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

Information concerning claims made by police offices and members of the public is not information that is easily accessible within Norfolk Constabulary records. Each liability claim would need to be reviewed to establish whether they related to CS Spray, based on a search of over 1000 files, it would take in excess of 84 hours to extract the data for Norfolk Constabulary.

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.

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.

1. The Constabularies have previously used CS Incapacitant Spray, however 5 years ago, we transitioned to PAVA spray.
2. As above
3. The Constabularies moved to PAVA 5-6 years ago, unfortunately we do not hold the exact date. Please note however, that the CS incapacitant spray was never used for training, other than for unarmed defensive training, where the canisters were filled with water.
4. Suffolk Constabulary have not had any claims of this nature.
5. N/A

6. N/A

7. The Constabularies do not have a central reporting point.

8. Nil return for Suffolk Constabulary.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply 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 application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700