



Your reference:

Our reference: FOI_2023.1105

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 11/12/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.1105

On 13/11/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

- How many traffic collisions has there been where nitrous oxide has been involved per year? Please provide data for each year: 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023. Please provide as much data for 2023 as possible closest to the current day.
- How many of those traffic collisions involving nitrous oxide have resulted in one or more fatalities? Please specify how many for each incident.
- How many arrests have been recorded for the illegal sale of nitrous oxide from the start of 2016 to the 8th of November 2023?

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

When an individual contacts the police and it's deemed to be a police matter, an incident will be created on the Incident Recording System. If that incident is deemed to fall within the Home Office Counting Rules for Recorded Crime, a crime will be recorded on the Crime Recording System.

When an individual contacts the police and it's deemed to be a police matter, an incident will be created on the Incident Recording System. Please note that the word "incident" in Gloucestershire Constabulary's terminology refers to a type of record, not the event as a whole. If an offence is being reported (rather than a missing person for example) the "incident" will be assessed to determine if the offence falls within the Home Office Counting Rules for Recorded Crime. If that incident is deemed to fall within the counting rules, a "crime" will be recorded on the Crime Recording System.

Unfortunately, it is not possible to electronically search for the information you have requested in relation to how many traffic collisions has there been where nitrous oxide has been used from 01/01/2016 – 13/11/2023. In order to identify and retrieve the requested information, a manual review of all RTC related incidents recorded will need to be conducted, this would mean a review of hundreds if not thousands of records would be required to determine if any information is held. This would take longer than the 18 hours prescribed by Section 12 of the Freedom of Information Act.

Please see below for suggestions on how you may be able to refine your request to come within the cost constraints of Section 12 of the Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1) – Fee Regulations states:

Section 1(1) of the Act 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. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Under Section 16 duty to assist, I can confirm that a search of the Crime Recording System can be conducted, please see the below link of the Home Office Counting Rules.

Please specify which crimes you would like the search to be conducted for under the Home Office Counting Rules and a free text search can be conducted of the MO's where nitrous oxide is mentioned.

[Home Office Crime Recording Rules for frontline officers & staff - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614441/2019-01-16-Home-Office-Counting-Rules.pdf)

If this would still assist please submit a new FOI request to foi@gloucestershire.police.uk stating which crimes and specific terms you would like a search to be conducted for.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary