



Your reference:

Our reference: FOI_2023.1162

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 28/12/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.1162

On 05/12/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

I would like to know how many drivers have been caught using a mobile phone at the wheel from:

- Nov 2022 – Nov 2023
- Nov 2021 – Nov 2022

If possible, I would like this broken up by reason for phone use – call, text, social media and so on. If not, the overall number of those using phones while driving is fine

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

Unfortunately there is no central register for recording how a mobile phone was being used whilst the offender was driving, therefore there is no way to retrieve this data by way of electronic searches. The only way of trying to determine whether this information is held and to retrieve that information would be to manually review each record where the offence is one of those for using a handheld mobile phone whilst driving, and then to check and cross reference any officer pocket notebook entries that may be recorded. This would involve the review of hundreds of records and would therefore take far longer than the 18 hours prescribed by the Freedom of Information 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.

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, I have supplied the information relevant to your request which has already been retrieved. 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.

The table below depicts the number of FPNs issued for using a mobile phone whilst driving as a result of drivers being captured on camera.

Year	Total
Nov 21-Nov 22	96
Nov 22-Nov 23	120

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

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