



Your reference:

Our reference: FOI_24_0168

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 05/03/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0168

On 08/02/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

Please can you provide the following information:

1. How many illegal vapes have been seized in the past year (January 2023 – January 2024)
2. Of these vapes, how many were tested for the presence of prohibited substances
3. Of those tested, how many tested positive for fentanyl

If possible, please can you provide these statistics broken down by month.

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

In the majority, illegal vapes are seized by Trading Standards or Border Control. Where vapes are seized by Gloucestershire Constabulary there is limited information recorded with regards to whether they are classed as illegal. The only way to provide a definitive response would be manually review the entries that are recorded on the property system, contact the OIC and cross reference with pocket notebook entries. It has been estimated that this would exceed the permitted time constraints, therefore Section 12 of the Act is applicable. This section does not oblige a public authority to comply with a request for information if the authority estimated that the cost of complying with the request would exceed the appropriate limit of 18 hours, equating to £450.00

You should consider this to be a refusal notice under Section 17 of the Act for your request.

When applying Section 12 exemption our duty to assist under Section 16 of the Act would normally entail that we contact you to determine whether it is possible to refine the scope

of your request to bring it within the cost limits. However, from the information we have outlined above I see no reasonable way in which we can do so.

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.

As detailed above, I am unable to provide any assistance under Section 16 of the Freedom of Information Act as I am unable to suggest any way to refine your request to come within the cost constraints of Section 12 of the Act.

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