

30 July 2025

FOI Ref 21580

Request - You asked us the following:

I am writing to request information under the Freedom of Information Act 2000. The main purpose of this request is to gather data concerning illegal or black-market vape sellers within your police force's jurisdiction.

Note: An illegal or unregulated vape does not comply with UK regulations, often meaning it's not registered with the Medicines and Healthcare Products Regulatory Agency (MHRA), contains nicotine levels exceeding the legal limit (20mg/ml), or has a tank capacity larger than 2ml for single-use vapes. These products can also be dangerous because they may contain harmful substances or even illegal drugs like THC or Spice. Following the ban on disposable vapes in the UK, this definition will now also include single-use vapes.

Specifically-for each of the past 5 years (2020-2024), and partial data for 2025 if available-I am seeking anonymised data from your police force on the following:

1. The total number of sellers found to be in possession of illegal, unregulated or "black market" vape products.
2. The number of sellers who faced any form of legal action, including but not limited to warnings, fines, charges, or prosecutions.
3. The number of individuals formally prosecuted (i.e. individuals who were taken to court and faced criminal proceedings resulting in a conviction or ongoing trial).

I would like you to provide the information in the following format:

Please provide the information in electronic format, preferably as an Excel spreadsheet or CSV file. Please avoid sending PDFs or Word documents if possible.

If you are unable to provide the specified information:

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.

If you are unable to provide the specified information exactly as requested, please provide *any* data you have that is relevant to the request and explain why the other information cannot be provided.

We received your request on 16/08/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

The following exemption has been applied:

- Section 12(2) In order to identify whether or not information is or isn't held would exceed the cost threshold in accordance with Section 12(2) of the Freedom of Information Act as in order to satisfy S1(1)(a) of the Act would exceed the cost threshold.

The above information has been refused for the following reasons:

There is no method by which we can easily identify or locate whether information is held within Staffordshire Police systems to answer this request. The information you require is not stored in a way which allows for easy identification or retrieval, this type of offence is non-recordable under the Home Office counting rules and therefore not recorded within our crime/occurrence recording database. To determine whether the seller had any recorded offence who faced penalties for the sale of vape products would require a manual search of all logs would be required. To achieve this task would therefore exceed the 18-hour time and cost threshold of the Freedom of Information Act by some considerable margin.

Advice and assistance

Section 16 of the Act places an obligation upon the Authority to provide advice and assistance, in order to comply with this obligation please see below.

Unfortunately, we cannot suggest a way in which your request could be simplified or pared down in order to bring it within the confines of the time and cost threshold.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ

PO Box 3167
Stafford
ST16 9JZ

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

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

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit