



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-03971

Keyword: Crime

Subject: ALLEGED THREAT OF KIDNAP - MR DICKIE BEST

Request:

I am a journalist at the BBC, working on a drama about George Best and am trying to find out if the police service holds any information at all about a kidnap threat directed towards Dickie Best of Burren Way, Cregagh, Belfast in the 1970s.

The incident is mentioned in a book by Barbara McNarry (George Best's brother) and I am trying to check her memory of the event against any existing official records and supplement it with any additional information, which the police service might hold - for example how this threat came to be known by the police.

Here is how the incident is recounted in the book:

"Mum and Dad had been out one evening and Carol was babysitting the younger ones....At about 10 p.m., the local police called at the door and asked to speak to Dad. Carol said that our parents were out so the police said they would call back later which they did, a couple of times. Carol was obviously becoming deeply concerned. Eventually the police officers told her that they had received information that Dad was going to be kidnapped. Mum and he arrived home at about midnight. Dad thought it was hilarious and asked the police 'How much am I worth?' The police, however, were taking no chances and made sure that patrols were stepped up around the estate that night."

Unfortunately that is all the information I currently have and for the sake of accuracy, I would very much like to find out more. I am not expecting details, and of course, nothing that would be pertinent to a criminal investigation but I would very much welcome:

- 1) Confirmation that the event occurred.
- 2) Any information on how the police heard about the kidnap threat
- 3) Any information on police reaction to the threat (eg. Confirmation that patrols were stepped up.)
- 4) Any further information held, which is releasable under the Freedom of Information Act on this incident.

Of course, I will understand if nothing from this far back is held but it is my duty as a journalist to try and check out this story as best I can.

Answer:

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested. I can, however, advise you, as required by Section 17 of the Act that such information, if it were to exist, would be reasonably expected to be exempted under sections 23(5), 24(2), 30(3), 31(3), 38(2) and 40(5).

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Sec 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Sec 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon section 17 of FOIA requires that we provide the applicant with a notice which:

- a) states that fact
- b) specifies the exemption(s) in question and
- c) state (if that would not otherwise be apparent) why the exemption applies.

In reliance on the exemptions in sections 23(5) and 24(2), 30(3), 31(3), 38(2), 40(5) of the Freedom of Information Act (2000), the PSNI can neither confirm nor deny whether we hold any information relevant to your request. To the extent that sections 24(2), 30(3), 31(3) and 38(2) apply, it has been determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the information is held.

A disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant. Therefore, simply confirming or not that such information were held would disclose sensitive and personal information about individuals.

It could be argued that it would be in the public interest to demonstrate that the PSNI is actively involved in the prevention and detection of terrorist based and criminal activities. Providing evidence of police methodology and accurate information may inform public debate and boost levels of confidence within the community in the fight against crime.

However, there is also a requirement to consider whether there is any public interest, which may overcome the harm, in confirming or denying the existence of such information, which primarily hinges on investigations. It is rare that details of any police investigation taking place would be disclosed, as law enforcement techniques, operational capabilities and the administration of justice could be compromised should such information be made available in the public domain.

Irrespective of whether the information exists or does not exist, the need to protect the flow of information from the public is of paramount importance. Disclosures by confirming or denying the existence of such information could dissuade people from providing information to the police in the future. The public must have total confidence that their information will be treated sensitively and appropriately.

A simple example of where this harm could occur may best be demonstrated with a fictional scenario. If a Freedom of Information request was made asking if the police had been provided with certain information about a crime which had or was about to take place, then by simply confirming or not whether they had received the information, would in itself reveal whether contact had been made with the Police or not. Disclosing such a fact to the world would not only breach the data protection rights of the person providing that information, but would also display an attitude that the police service is reckless as to the consequences of such a disclosure. At best it could attract unwanted media attention, and at worse actually place the individual at risk, for example an informant involved in a sensitive police operation.

By providing such information, not only would the world then know that the police were aware of the information provided, but more importantly, anyone could then start to identify whether subsequent police action had been taken in response to the information and take appropriate action to avoid detection. This would have the likelihood of identifying location-specific operations, enabling individuals to become aware of whether or not their activities have been detected or reported to the police, and ultimately compromise police tactics, operations and future prosecutions

Therefore, at this time, the balance of the public interest favours maintaining our stance in being unable to confirm or deny that such information exists.

No inference can be taken from this refusal that the information you have requested does or does not exist.

If you have any queries regarding your request or the decision please do not hesitate to contact 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ www.psni.police.uk.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.