



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-05330

Keyword: Human Resources

Subject: THREATS TO POLICE BY DISSIDENT PARAMILITARIES

Request:

From 4th May 2007 - How many threats have been made by Dissident Paramilitaries to Police Officers On and Off Duty.

Answer:

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 exempt under Sections 23(5), 24(2), 30(3), 31(3), 38(2) and 40(5).

Information pertaining to terrorist activity may already be in the public domain, for example the Chief Constables Annual Report 2007/08 which can be found at the PSNI website www.psni.police.uk Index, Advice Centre, Publications, Chief Constables Annual Report, Working in Partnership for a Safer Northern Ireland.

The duty in s1 (1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

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.

Absolute

Section 23(5) Information relating to the Security bodies

Section 40(5) Personal Information

Qualified

Section 24(2) National Security

Section 30(3) Investigations

Section 31(3) Law enforcement
Section 38(2) Health and safety

As Sections 23 and Section 40 are absolute exemptions there is no requirement for a Public Interest Test to be considered. However, Section 24, Section 30, Section 31 and Section 38 are qualified exemptions, which mean that PSNI are required to consider whether the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the information is held.

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

HARM

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 could disclose sensitive information.

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.

To even confirm whether or not this information is held may adversely affect the efficient and effective conduct of the PSNI and could clearly identify any intelligence held by the PSNI to any interested criminal group or organisation in respect of specific threats. Such criminal or terrorist organisations could also potentially gauge the level of intelligence held within the PSNI process. Such a disruption could subsequently damage national security in reducing the ability and manner in which the PSNI would be able to effectively protect the safety and well being of its community and its own officers.

By way of an example, a fictional scenario would be, if someone had been planning to attack a police officer in Northern Ireland during this period, they would be aware, on receipt of this data (particularly zero data), that their plans had not been detected by the authorities, and therefore may decide to resume their activities.

Public Interest Test

Considerations Favouring Disclosure

Accountability:

Where information relates directly to the efficiency and effectiveness of the PSNI or its officers it would generally be of benefit to the community to confirm whether information requested is held or not.

Public Awareness:

Confirming or not whether information is held in respect of threats made by Dissident Paramilitaries on PSNI Officers on and off duty may enhance public awareness.

Considerations Favouring Non-Disclosure

Investigations:

It is the Association of Chief Police Officers (ACPO) approach that information relating to an investigation, were it held, will rarely be disclosed under the provisions of the Freedom of Information Act 2000. Whilst such information might be released if it provides a tangible community benefit it will only be disclosed following a Freedom of Information request if there are strong public interest considerations favouring disclosure. The further the considerations favouring disclosure are from a tangible community benefit, the lighter the considerations will be. In respect of the request under consideration it would not serve any tangible community benefit to confirm or deny whether any information is held nor not.

Efficient and Effective conduct of the PSNI:

Where the current or future law enforcement role of the PSNI might be compromised by the release of information. Release of information connected with any investigation may jeopardise future police operations, future investigations and as a result compromise the prevention and detection of crime. In respect of the request in question to confirm or deny whether any information is held or not has the potential to compromise the prevention and detection of crime.

Public Safety

Public safety is of paramount importance to the PSNI and must always be considered so that the PSNI's ability to fulfil its core function of law enforcement is protected. PSNI would not wish to endanger the health and safety of the general public, or PSNI officers.

Flow of Information to the PSNI

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.

Exemption Provisions

This information is covered by a number of exemptions and these tend to give rise to a public interest consideration favouring non-disclosure.

Balancing Test

The PSNI has 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. To give a more detailed statement of the reasons these exemptions apply could involve the disclosure of information which may itself be exempt.

In accordance with the Act, this letter represents a refusal notice for this particular request. The PSNI can neither confirm nor deny that it holds the information you have requested.

However, this should not be taken as conclusive evidence that the information you requested exists 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 Corporate Information Manager, Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk. You should state clearly the grounds on which you are requesting the review.

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. 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 PSNI replies under Freedom of Information may be released 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.