



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-05144

Keyword: Operational Policing

Subject: POLICE ATTENDANCE AT CRAWFORDSBURN INN, COUNTY DOWN

Request:

Question 1 - Are there any records of Police having attended the Old Inn (Crawfordsburn Inn), County Down from 2003 to date?

Question 2 - If so what were the nature of the calls? i.e. Staff requesting assistance or guests requesting assistance etc.

Question 3 - Have there been any infringements of the Licensing Laws from 2003 to date?

Question 4 - Have there been any racial incidents reported in that policing area from 2003 to date?
Have any members of staff made allegations and/or written statements to Police in relation to any alleged offence?

Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information requested and the answers to you questions are as follows -

Answer 1 - I have been advised that our records show that since 2003 a total of 40 calls to police have been made in relation to the Old Inn at Crawfordsburn.

Answer 2 - I have been advised that research indicates that of these 40 calls, twenty-three were made by staff and seventeen by other persons.

Answer 3 - Our Area Intelligence Unit have advised that there are no infringements of the Licensing Order on record.

Answer 4 - Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first, Section 1(1)(a) is to confirm or deny whether the information specified in the request is held: the second, Section 1(1)(b) is to disclose the information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that the requester be provided with a notice which a) states that fact, b) specifies the exemption(s) in question and c) states why the exemption (s) apply if that would not otherwise be apparent.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to question 4 as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 40(5) Personal Information

Section 41(2) Information provided in confidence

Section 31(3) Law Enforcement

Section 30(3) Investigations

The Police Service will neither confirm nor deny that an individual has provided information, unless, that information has already been placed into the public domain, through channels such as the media or the court process.

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 personal information about an individual thereby breaching the Data Protection Act.

There is 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 the flow of information to the police service.

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 confidence that their information is treated sensitively and appropriately.

An example where this harm could occur may best be demonstrated with a fictional scenario. If I made a Freedom of Information request, asking if you have provided the police with certain information, simply to confirm or not whether you had, would reveal whether contact had been made with the Police or not. Disclosing such a fact to the world would breach your data protection rights and 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 worst actually place the individual at risk, for example an informant involved in a sensitive operation.

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 me on 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 PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

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