



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-00573

Keyword: Crime

Subject: ENCOURAGEMENT OF TERRORISM

Request and Answer:

Question

How many arrests, prosecutions and convictions there have been for the offence of Encouragement of Terrorism and how many in each case involved glorification of terrorism as defined in section 1(3) of the Terrorism Act 2006.

Answer

The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested. In accordance with the Act, this letter represents a Refusal Notice for this particular request.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at S1 (1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at S1 (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) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland can neither confirm nor deny that it holds information relevant to your request as the duty in S1 (1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions: Section 24(2) National Security, Section 30(3) Investigations, Section 31(3) Law Enforcement, Section 38(2) Health and Safety.

In line with Section 17(1) of the Freedom of Information Act, it is required that we articulate the public interest considerations for the use of NCND within exemptions 24, 30, 31 and 38.

In so far as section 24(2) 30(3) S31 (3) and S38 (2) apply, the balance of public interest lies in maintaining the exclusion of the duty to confirm whether information is held by us. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service are appropriately and effectively engaging with the threat posed by terrorist attack, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive area of terrorism prevention. To confirm or deny that this level of policing activity has or has not occurred in any specific area would enable those engaged in criminal or terrorist activity to identify the focus of policing activity across the UK. For example, to state that no information is held in one area and then exempt information held in another would itself provide acknowledgment that anti-terror arrests have been made at that second location. This would have the likelihood of identifying location-specific operations, enabling individuals becoming aware of whether or not their activities have been detected, and ultimately compromising police tactics, operations and future prosecutions. Any information identifying the focus of anti-terror policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety, and have a negative impact on both National Security and law enforcement.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of National Security this will only be overridden in exceptional circumstances. It is our opinion that for these issues the balancing test for disclosure is not made out. This should not be taken as conclusive evidence that the information you requested exists or does not exist.

This refusal should not be taken to mean that the information you have requested exists or does not exist.

However, the Northern Ireland Office may hold statistical information in relation to your request. Should you wish to submit a request to them, the address and link are attached.

NIO FOI Team
Annex A
Dundonald House
Stormont Estate
Belfast
BT4 3SU

<http://www.nio.gov.uk/index/foi.htm>

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.