



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F 2009 03953

Keyword: Crime

Subject: INVESTIGATIONS RE COMPLEX FINANCIAL FRAUD

Request and Answer:

This is to inform you that the Police Service of Northern Ireland (PSNI) has now completed its search for the information you requested.

I have today decided to:

- Disclose the information in relation to question number 1
- Fully exempt the information in relation to questions numbered 2(a) and 2 (b) pursuant to the provisions of section 31(1)(a)(b)(c) Law Enforcement of the Act.
- Fully exempt the information to question 3 pursuant to the provisions of section 21(1) Information Reasonably Accessible by Other Means of the Act.

Section 17(1) of the Freedom of Information Act 2000 requires the PSNI, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

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

Question 1

Does your constabulary have a specialist unit which investigates complex financial fraud?

Answer 1

Yes – the Fraud and Plastic Crime Unit.

Question 2 (a)

If so: What are the criteria for referral of an investigation to this unit?

Question 2 (b)

If the criteria is set around monetary value (the amount of money lost by the victim), what's this fixed at?

Answer 2(a)(b)

Section 31(1)(a)(b)(c) Law Enforcement is a prejudice based qualified exemption which means that there is a requirement to evidence the harm (prejudice) in disclosure and also consider the public interest, both of which should be articulated to the applicant.

Harm in Disclosure

If, for example, Police disclosed the criteria for referral of an investigation to a financial fraud unit, together with a monetary value at say £1,000, such an awareness would be beneficial to fraudsters by highlighting that if they focused their fraudulent activity on small sums of money the likelihood of apprehension would be reduced.

Section 31 Public Interest Considerations

Factors Favouring Disclosure

Disclosure would provide a better awareness to the public highlighting that the PSNI take appropriate steps to ensure this type of crime is investigated appropriately and satisfactorily. This in turn could lead to more information being submitted by the public in order to apprehend offenders.

Factors Favouring Non-Disclosure

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As outlined within the harm disclosure would seriously undermine current and future law enforcement tactics which in turn would compromise the prevention of detection of crime and potentially lead to more fraud crime being committed.

Balancing Test

Modern-day policing is intelligence-led and a better public awareness may lead to additional information being provided by the public. However, effective law enforcement is of paramount importance and the Police Service will not divulge information if to do so would undermine their duty to provide an efficient service. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure is not made out.

Section 16 – Duty to provide advice and assistance

The Home Office link below provides the policing priorities for the investigation of fraud which may be of assistance to you.

<http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2004/047-2004/index.html>

The PSNI can neither confirm nor deny that it holds any additional information which relates to an exempt body 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 23(5) Information Supplied by or concerning certain Security Bodies

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in confirming or denying that this information exists is the correct approach.

However, we are willing to explain that confirming or denying the existence of the requested information could damage the efficient and effective conduct of exempt bodies by providing intelligence to criminals about their investigative activity. The existence of this neither confirm nor deny response should not be taken to indicate that the information you have requested does or does not exist.

Disclosures under the Freedom of Information Act are disclosures to the world, not just the individual making the request. To confirm that any other information is held in relation to this question, even if that information was exempted, or to confirm no information is held, would provide intelligence to criminals about exempt body activity.

Question 3

If not, how are these complex financial frauds investigated?

Answer 3

We have interpreted this question to be relating to financial investigations and refer you to Section 21(1) Information Reasonably Accessible by Other Means. See the "Practice Advice on Financial 2006" which is available on the below link.

http://www.kent.police.uk/About%20Kent%20Police/policies/n/documents/Financial_Investigat.pdf

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 letter.

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 @ www.psni.police.uk

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