



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01227
Keyword: Crime
Subject: OPERATION KOALA

Request and Answer:

I am writing to confirm that the PSNI has now completed its search for the information.

I have today decided to:

* Disclose information in relation to question 1 only.

* Fully exempt information in relation to questions 2 (a), 2 (b), 2 (c) and 3 relying on Sections Section 23(1) Information Supplied by, or concerning, Certain Security Bodies, Section 27(1)(a)(b) International Relations, Section 30(1)(a)(b)(c) Investigations, Section 38(1)(a)(b) Health and Safety, Section 40(2) Personal Information and Section 44 (1) (a) Information covered by prohibitions on disclosure.

Question 1

How many people were arrested by your police force under Operation Koala?

Question 2

How many of those arrested were a) charged and b) convicted; for what offences and what sentences did they receive?

Question 3

On what date and at what court were they convicted?

Answer 1

3 persons were arrested.

In relation to questions 2 (a), 2 (b), 2 (c) and 3.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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.

Absolute exemptions

Section 23(1) Information Supplied by, or concerning, Certain Security Bodies.

Section 40(2) Personal Information

Section 44 (1) (a) Information covered by prohibitions on disclosure

Qualified exemptions

Section 27(1)(a)(b) International Relations

Section 30(1)(a)(b)(c) Investigations

Section 38(1)(a)(b) Health and Safety

Harm

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole.

As Operation Koala is still an ongoing investigation, which has involved liaison with many other countries. Disclosure of information in relation to questions 2 (a), 2 (b), 2 (c) and 3 could have a detrimental effect on the PSNI and other police force/service relationship with other agencies, such as Europol and CEOPs. This in turn could compromise future effective law enforcement with the potential to impact on such international partnerships.

The European Convention of Human Rights states under Article 8 that each person has the right to respect for private family life. Section 38 of the Freedom of Information Act 2000 also protects an individual's physical health and mental wellbeing whether the harm is real or perceived. Therefore the PSNI have decided that by releasing the information you have requested in questions 2 (a), 2 (b), 2 (c) and 3 relating to Operation Koala may have the potential to identify different person/s and would not be in keeping with the Act.

Section 30 (1) - a public authority is exempt from the duty to communicate information where that information has, at any time been held for the purposes of any investigation, which the public authority has a duty to conduct. Even though a PSNI have provided information in relation to question 1 the fact that individuals may still be identified by releasing information in relation to 2 (a), 2 (b), 2 (c) and 3 could mean that any further investigations could be compromised.

Public Interest Test

The public interest test relevant is as follows: -

Favouring Disclosure

Accountability

When information disclosed relates directly to the efficiency and effectiveness of the force or its officers. The release of information will enable the public to have a better understanding of the efficiency and effectiveness of the police service, particularly in relation to national operations which are undertaken in order to target specific crime, in this case the international exploitation of children.

Media and Public Interest

To satisfy the media and public interest.

Public Debate

Where the release of information would contribute to the quality and accuracy of public debate.

Investigations

There tends to be a considerable public interest in criminal cases in seeing that justice is done.

Accountability for Public Funds

Where public funds are being spent, there is a public interest in accountability and justification.

Considerations Favouring Non-Disclosure

Efficient and effective conduct of the service.

Where current or future law enforcement role of the force may be compromised by the release of information.

Human Rights, Morals and Ethics

The public interest will not be served if disclosure breaches the obligations placed on an authority under the European Convention on Human Rights, particularly the right to life, fair trial and privacy.

Therefore convicted offender/s rights in this case cannot be under estimated. The Human Rights of other individuals who may potentially be identified also need to be protected.

Also, the human rights of the victims involved in these crimes need to be considered and it would simply not be right to disclose to the world in general information could lead to their identification.

Current investigations

It would not be in the public interest to release information that may still be of assistance the PSNI in relation to any unresolved investigations.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst such information may be released if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, it is hard to see how the information here will do so.

Criminal Investigations

Information relating to a criminal investigation will rarely be disclosed under FOIA and only where there is a strong Public Interest consideration favouring disclosure.

Interests of Third Parties

Where third party interests might be jeopardised by release of information that relates to personal affairs of individuals. Although the request does not ask for personal data the interests of third parties, i.e. the offender and the victims, could still be jeopardised by the release of information that could lead to their identification.

Flow of Information to the Service

Release of this information could act as a deterrent for some members of the public to come forward and provide information. This could impede the relationship of trust between the PSNI/other Law Enforcement Agencies and such individuals and will also make it more difficult for the PSNI/ other Law Enforcement Agencies to detect and prevent crime

Balancing Test

After weighing up the competing interests PSNI have determined that the disclosure of the information would not be in the public interest.

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 PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

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