



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02287

Keyword: Crime

Subject: RAID ON LISBURN ROAD BROTHEL, BELFAST

Request and Answer:

Question 1

I want to be told when your police agency first entertained the idea of filming the Chinese females in your recent Lisburn Road brothel raid.

Answer 1

PSNI has decided not to supply the information you have requested as a Part II exemption applies.

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.

The exemption, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Qualified Exemption

Section 30 (1) (a) (b) (c) Investigations and Proceedings conducted by Public Authorities

HARM

Under the Freedom of Information Act (2000) any information released under FOI is released into the public domain, not just to the individual requesting the information.

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

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. To release information in relation to question 1 could mean that any further investigations could be compromised. Police investigations are conducted with due regard to confidentiality.

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 service or its officers. The release of information will enable the public to have a better understanding of the efficiency and effectiveness of the PSNI, particularly in relation to operations, which are undertaken in order to target specific crime, in this case human trafficking and the sexual exploitation of women.

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.

It would not be in the public interest to release information that may prevent or hinder current and future police investigations and regulatory enforcement.

Current 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.

Balancing Test

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

Question 2

I want the PSNI documents, notes, records of how your police officers assigned the exclusive filming rights in relation to the Chinese females who were taken away from those premises on the Lisburn Road.

Answer 2

PSNI can advise you that there was no exclusive filming rights on this media facility.

The Police Service of Northern Ireland can neither confirm nor deny that it holds any other information as the duty in Section 1(1)(a) of the Freedom of Information 2000 does not apply by virtue of the following exemptions:

Absolute Exemptions

Section 23(5) Information Supplied by or relating to Security Bodies
Section 40(5) Personal Information
Section 44(2) Prohibitions on Disclosure

Qualified Exemptions

Section 30(3) Investigations
Section 31(3) Law Enforcement
Section 38(2) Health and Safety

Sections 23, 40 and 44 are classed based absolute exemptions and therefore there is no need to explain the public interest considerations in this area, however, it is required that PSNI articulate the public interest considerations for the use of NCND within exemptions 30, 31 & 38.

To the extent that Section 30 (3), 31 (3) and 38 (2) apply, PSNI have 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 PSNI hold the information.

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 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.