



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01761

Keyword: Crime

Subject: SEIZED ASSETS

Request and Answer:

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

I have today decided to:

- Fully exempt question 1 pursuant to the provisions of Section 31 Law Enforcement, Section 40 Personal Information and Section 44 Information covered by prohibitions on disclosure.
- Provide a response to questions 2 and 3.

Question 1

The names of those criminals who have had assets seized by your force?

Answer 1

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 Exemption

Section 40 (2) Personal Information

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

Qualified Exemption

Section 31 1 (a)(b)(c) Law Enforcement

HARM

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole. Crime Operations Department PSNI is entrusted with a considerable amount of information and it has an important role in countering the many threats against society.

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. If any personal details were disclosed there is the possibility that it may endanger the physical or mental health of an individual. The releasing of the names of any individual would contravene the first data protection principle in that it would not be 'fair' processing.

Operational procedures, methodology and tactics must be protected by the correct application of exemptions. This is because the release of this type of information would rarely be in the Public Interest and may reduce the PSNI's capability to perform its overall functions under the Police (NI) Act 2000, which states:

"It shall be the general duty of police officers –

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences;
- (d) where an offence has been committed, to take measures to bring the offender to justice."

The European Convention of Human Rights states under Article 8 that each person has the right to respect for private family life. Therefore the PSNI consider that by releasing any information you have requested relating to investigations may have the potential to identify different person/s and would not be in keeping with the Act.

Public authorities are in general, exempt from the Act's duty to provide access to 'personal data' (as defined in the Data Protection Act 1998).

Where an application for information is made by someone other than the 'data subject' disclosure of that information will often constitute a breach of the Data Protection Act and consequently the public authority will usually be exempt from its duties under the Act as a result of Section 40 (2).

Public Interest Test

The public interest test relevant is as follows: -

Favouring Disclosure

Accountability

The actions of the Police Service, particularly in relation to crime requires appropriate application of legislation. This information would go some way towards reassuring those factors.

Public Participation

Where disclosure would enhance informed debate and decision making by the service.

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.

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.

The rights of the individuals who had their assets seized cannot be underestimated. 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 which could lead to their identification.

Current investigations

It would not be in the public interest to release information that may be of assistance to anyone involved criminal activity and 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. See also Data Protection issues.

The interests of the victims these crimes, could still be jeopardised by the release of information that could lead to their identification.

Flow of Information to the Service

The lack of confidentiality would deter the public from providing information to the PSNI.

Tort in Law

In circumstances where the PSNI is under a legal obligation to maintain confidences, it would not be in the public interest to release the information if the grounds for this duty can be shown to be valid.

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

A breakdown of the assets seized in each specific case?

Answer 2

Please find attached a list, which provides a response to question 2 at Appendix A.

Question 3

A breakdown of how the assets seized are to be/have been redistributed (how much on training, salaries etc)?

Answer 3.

To date a £255,524.90 payment has been distributed around the districts and departments for them to use in the continuing fight against crime.

25% of the money received is 'top sliced' and forwarded to a 'discretionary fund' and applications for various funding projects are being considered for approval for use of the discretionary fund for these purposes.

The main part of this is to be used to finance the salaries of civilian financial investigators the balance being distributed around those districts that made the initial referrals.

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.

APPENDIX A

Q2) A breakdown of the assets seized in each specific case?

Please see table below:

27161.98	2500.00	3980.00
1270.04	3000.00	14292.26
1790.00	1000.00	3455.00
2125.00	1501.21	1910.00
2735.00	20175.00	2000.00
1760.00	1415.00	5000.00
1871.83	1214.36	1230.00
2260.00	5231.85	1400.00
1510.71	1792.16	52240.00
28763.51	1160.00	7573.09
2910.00	12000.00	1530.00
44201.75	39649.92	19852.89
5137.97	4415.00	1757.61
51336.53	5000.00	8888.06
13000.00	14020.00	1600.00
5180.00	1003.00	1025.00
5200.00	10656.74	1000.00
5000.00	1315.52	1620.00
13109.55	6093.07	4780.00
5582.14	2050.00	2000.00
8298.17	1200.00	3420.00
2430.00	1325.00	1500.00
3360.00	4550.00	2420.00
15610.00	7080.00	3758.30
1662.66	17488.45	5295.61
2542.24	18931.35	3186.00
1000.00	5442.29	3500.00
1400.00	13038.04	1300.00
10654.11	2800.00	2000.00
105980.00	9670.00	1320.00
4190.00	25502.71	4620.00
2390.00	1345.45	3180.00
38579.63	1273.49	20000.00
2000.00	1334.18	187000.00
12340.00	1015.00	100000.00
3000.00	21860.00	19442.06
4056.70	3203.22	19982.00
1835.00	3054.83	3604.00
1445.47	2340.00	34000.00
1000.00	1351.34	28190.00
1570.00	2409.96	225421.62
3150.00	1580.00	52000.00

10980.00	1390.00	200000.00
13240.21	12480.00	110000.00
320355.41	3035.23	2131.00
9300.00	4318.22	507742.00
1441.00	2700.00	30257.90
1250.00	3000.00	21108.09
5004.11	13490.00	12200.00
5110.00	1140.00	500000.00
9758.13	1237.00	100000.00
28125.13	105000.00	1.00
65965.00	2500.00	7832.00
3640.00	1105.00	9651.00
1393.15	1120.00	74286.78
6995.96	1180.00	3365.00
6040.00	4205.00	55316.00
5901.32	3130.00	100000.00
1200.00	3623.95	

