



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-02283

**Keyword:** Finance

**Subject:** PSNI HELICOPTER SERVICE CONTRACT

### Request and Answer:

#### Question

Of the 37 Police authorities in the UK who are Aviation operators, 17 have never negotiated private sector participation for delivering their helicopter services.

Could you please email a copy of the Police Service of Northern Ireland's Helicopter Service contract to me?

#### Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

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

#### Qualified Exemptions

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

Section 38 (1) Health and Safety

Section 43 (2) Commercial Interest

#### HARM

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

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 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 may have the potential to identify different person/s and would not be in keeping with the Act.

PSNI consider that the information you have requested is commercially confidential, as it may provide another commercial body with information that may be used in future tenders. As a public authority we have a duty to minimise the occasions when individual's details are released in to the public domain in order to protect their health and safety.

Consideration has been given to the likelihood that the release of this information would prejudice commercial interests. Whilst it cannot be evidenced that this is a definite factor, as the evidence of harm is largely based on future consequence, it is considered that there is substantial and significant risk that commercial interests would be likely to be prejudiced.

If the identity of any contractor for the PSNI was given out there is the potential for that person and or their family and or their employees being intimidated just for the work they are connected to? Previous named contractors working for the PSNI have been targeted by criminal/terrorist groups resulting in the murder of some of their employees. This causes great distress to not only the family of the victim but also to the employer, the wider community and the PSNI. In addition the PSNI may also not be able to employ contractors to work for them. There is also the negative impact on the local economy to be considered if businesses cannot feel totally safe as employees/ contractors to the PSNI.

This may in turn may adversely affect the efficient and effective conduct of the PSNI's helicopter. Public safety is of paramount importance to the PSNI and must always be considered. It is not in the public interest to disclose information that may compromise the PSNI's ability to fulfil its core function of law enforcement.

Therefore the service contract of the PSNI Helicopter 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 –

to protect life and property;  
to preserve order;  
to prevent the commission of offences;  
where an offence has been committed, to take measures to bring the offender to justice."

An example of where harm could occur may best be demonstrated with a fictional scenario. If I made a Freedom of Information request, asking for details of what resources had been deployed by the PSNI to a particular operation i.e. the pursuit of a car containing an armed robbery gang, though a town in Northern Ireland, you and also any potential criminals/terrorists, would have on receipt of the information, have an insight into the types of resources PSNI would deploy in a similar situation. This could give the criminal/terrorist fraternity the ability to estimate the level of Police coverage of a similar situation. This could provide them with the ability to gauge the level of resources deployed and plan an alternative means of escape thus avoiding apprehension.

## **Public Interest Test**

The public interest test relevant is as follows: -

Favouring Disclosure

Accountability

There is a general public interest in the way that police work and for public bodies to be accountable for their actions. Information, which enables the efficiency and effectiveness of a force to be scrutinised, will be of benefit to the community.

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.

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 service may be compromised by the release of information.

##### Fair treatment of an individual

Releasing the information you have requested, particularly within a Northern Ireland context, has the potential to identify the manufacturer, thus endangering their workforce and may place individuals in danger. Releasing details of others without a public profile would be unfair.

In this modern age of information technology, via the internet, which is feasible, may have the potential to identify any manufacturer involved in the supply to the PSNI, or any other Police Service. The identification then becomes a major health and safety issue for the manufacturer and their employees. If this information were to become public, the effectiveness of the Police to protect society as a whole would be compromised.

##### Tortuous Duty

In circumstances where the service 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.

##### Interests of Third Parties

Where third party interests might be jeopardised by release of information that relates to sensitive commercial information held about business, financial or contractual.

Although the request does not ask for personal data the interests of third parties, the release of the requested information could lead to the identification of contractors.

##### Balancing Test

The public interest in maintaining the exemptions applied to the information outweighs the public interest in disclosing the information. The PSNI must protect the health and safety of individuals. The health and safety of members of the public, police officers and police support staff is of the utmost importance.

On balance it is not in the public interest to release this information.

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](mailto: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](http://www.psni.police.uk)

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