



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-00145

Keyword: Finance

Subject: PAYMENTS TO MOBILE PHONE COMPANIES

Request and Answer:

Under the Freedom of Information Act I request information pertaining to:

1. The total amount of money paid by the Police Service of Northern Ireland to mobile phone companies for access to data which could benefit criminal investigations in each of the last five calendar years (i.e. 2004, 2005, 2006, 2007 and 2008).

2. I also request a breakdown detailing how much money was paid to particular mobile phone companies (to be named) in each of the above years.

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

In relation to question 1 PSNI have today decided to disclose the requested information to you in full.

Question 1.

The total amount of money paid by the Police Service of Northern Ireland to mobile phone companies for access to data which could benefit criminal investigations in each of the last five calendar years (i.e. 2004, 2005, 2006, 2007 and 2008).

Response to question 1.

The breakdown is as follows excluding VAT: -

04 to 05 - £614,092.43
05 to 06 - £295,052.25
06 to 07 - £266,045.05
07 to 08 - £150,719.30
08 to 09 - £122,025.75 to date as of the 19th Jan 2009

This is all the money paid to communications providers for data supplied to PSNI to assist with all our investigations, not just criminal. The figures are not broken down per investigation or type.

And fully exempt the information in relation to question 2 pursuant to the provisions of Section 31 (1)(a)(b)(c) Law Enforcement.

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.

Qualified Exemptions

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.

There is the potential to cause Harm if a breakdown as to how much was paid to particular individual mobile phone company. It has been accepted by the Association of Chief Police Officers Data Communications Group that the disclosure of this type of information could adversely impact a mobile telephone companies business, by highlighting how often law enforcement agencies are making requests from them, based on this information, may lead to criminals moving to another provider.

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 it is generally of benefit to the community. In this case, the release of information will enable the public to have a better understanding of the efficiency and effectiveness of the police service.

Use of Public Funds

One of the underlying principles of the Freedom of Information Act is the need for authorities to be more open and transparent. In this case, to provide the full detail of costings for telephony data would provide the community with awareness that public funds are being used to resource and finance the use of expert technology to assist in the prevention or detective of crime, the apprehension or prosecution of offenders and the administration of justice.

Public Debate

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

Considerations Favouring Non-Disclosure

Efficient and effective conduct of the PSNI.

Where a current or future Law enforcement role of the force may be compromised by the release of information. In this case, disclosure of the information may enable individuals or terrorist organisations to identify expert technology and methods used by the police service as part of an intelligence gathering operation. The effectiveness of current and future strategies to combat terrorist activity may be compromised and may also inhibit the ability to prevent crime.

Current investigations

It would not be in the public interest to release information that may be of assistance to anyone involved criminal activity.

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.

Interests of Third Parties

Although the request does not ask for personal information the interests of third parties, i.e. the Communication Service Providers, is compromised. The Police Service has a moral duty to protect the sensitive commercial information it holds about any private company they have dealings with. In this case, to provide how much money has been paid to a particular mobile phone company could prejudice the commercial interests of that company, as detailed within the harm above.

There may be occasions where the release of information relating to public safety may not be in the public interest. Public safety is of paramount importance to the policing purpose and must be considered in respect of every release. As evidenced within the harm, by providing individuals with information which would assist their offending behaviour to

enable them to carry out offences which could lead to loss of life and injury, would place the safety of the community in jeopardy.

Tort in law

In circumstances where the service/force 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

PSNI consider that the benefit, which would result from, the release of the information requested does not outweigh disclosing information relating to the above exemptions.

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.