



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-03074

**Keyword:** Finance

**Subject:** RESURFACING OF NEWTOWNSTEWART PSNI STATION CARPARK

### Request and Answer:

#### Question 1

Can I get confirmation that the Newtownstewart Police Station recently had its car parking area resurfaced?

#### Answer

Yes; a small section of the station car park was repaired/resurfaced.

#### Question 2

If so, who was the contractor?

#### Answer

This information is exempt pursuant to the provisions of Section 38 of the Freedom of Information Act 2000.

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 applicable in this case is

Section 38(1) Health & Safety

Section 38 is a Prejudice based exemption and this means that it is the Public Authority's responsibility to evidence the harm. This exemption is also qualified and therefore a Public Interest Test must be carried out. A summary of the harm test and the public interest test follow:-

### HARM TEST

Disclosure of information such as names of contractors in to the public domain would provide an opportunity to identify employees and individuals who have an association/relationship with the PSNI. At this time terrorists and criminal elements continue to gather information pertaining to people who work with the PSNI and this could lead to attacks on those identified. The PSNI will not release information which will endanger individuals and their families.

## **PUBLIC INTEREST TEST**

### **Considerations Favouring Release**

#### **Accountability of Public Funds**

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

### **Considerations Favour Retention**

#### **Interest of Third Parties**

Where third party interests may be jeopardised by release of information which identifies them as working with the Police Service of Northern Ireland. It is never in the public interest to endanger the health and safety of any individual.

#### **Balancing Test**

When balancing the public interest test we have to consider whether the information should be released into the public domain and arguments need to be weighed against each other. The most persuasive reason for disclosure is accountability of public funds which needs to be compared to the strongest negative reason, in this case, the need to ensure the health and safety of individuals/contractors. At this time the health and safety considerations take precedence as the PSNI must put the safety of the contractor and their employees first.

#### **Question 3**

How much was the contractor paid?

#### **Answer**

The Contractor was paid a total of £701.50

#### **Question 4**

What size was the car park that was resurfaced?

#### **Answer**

The total area repaired was 36 square metres.

#### **Question 5**

And weeks within after resurfacing was the car park and/or police station closed?

#### **Answer**

The Station was not formally closed for a number of months after the completion of the works. However, the works were still required for ongoing inspections and essential maintenance that must be undertaken until the site is fully disposed of.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 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 @ <http://www.psni.police.uk/>

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