



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01152

Keyword: Operational Policing

Subject: PSNI HELICOPTER USAGE - JANUARY - MARCH 2009

Request and Answer:

I am writing to confirm that the PSNI has now completed its search for the information and have decided to disclose the following information in relation to Questions 1 and 4:

Question 1

The number of times the PSNI helicopter was used during January, February and March 2009

Answer

January 73 Flights
February 107 Flights
March 223 Flights

Question 4

The reasons for any increase in use of the PSNI helicopter or hired helicopter.

Answer

The flying hours in January and February 2009 would be similar to previous years relating to the PSNI helicopter. The large increase in March 2009 was due to the additional support required from the PSNI helicopter after the murders of the two soldiers in Antrim and the Police officer in Craigavon.

Question 2

The number of times police have hired helicopters from the RAF, MOD or other external suppliers during January, February and March. Please state the owner of the helicopter in each case (i.e. RAF, MOD).

Question 3

The cost of hiring helicopters from these suppliers per time

Answers 2 & 3

In reliance on the exemptions in sections 24(2), 26 (3), 30(3), 31(3), and 38(2) of the Freedom of Information Act (2000), PSNI can neither confirm nor deny whether we hold any information relevant to questions 2 and 3 of your request.

Refusal Notice.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision in part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which:

- (a) States the fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.

The PSNI can neither confirm nor deny that it holds any information relevant to questions 2 and 3 of your request as the duty in s1 (1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions.

Qualified Exemptions

Section 24 (2) National Security.
Section 26 (3) Defence
Section 30 (3) Investigations and Proceedings Conducted By Public Authorities
Section 31 (3) Law Enforcement
Section 38 (2) Health and Safety

To the extent that section 24(2), 26(3), 30(3), 31(3), and 38(2) applies, it has been 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 or not the information is held.

HARM

The release of information under FOIA must be considered a release of information to the world as a whole. Therefore, simply confirming or not that such information were held could disclose sensitive information.

The PSNI have made the decision to neither confirm nor deny any information relating to the number of times the PSNI may/may not have hired helicopters from other agencies as this could potentially alert criminals and their associates to the PSNI's methodology relating to Police resourcing capabilities. Equally similar effects could result should PSNI advise that they have not hired helicopters from other agencies.

Confirming whether or not this information is held may adversely affect the efficient and effective conduct of the PSNI. Public safety is of paramount importance to the PSNI and must always be considered. It is in the public interest to neither confirm nor deny information that may compromise the PSNI's ability to fulfil its core function of law enforcement.

Public Interest Test

The public interest test is as follows: -

Considerations Favouring Disclosure

Accountability

When information relates directly to the efficiency and effectiveness of the PSNI or its officers it would generally be of benefit to the community to confirm whether information requested is held or not.

Public Debate

To confirm whether information requested is held or not could contribute to the quality and accuracy of public debate and encourage the community to be more vigilant and proactive in the fight against crime.

Considerations Favouring Non-Disclosure

Efficient and effective conduct of the service.

In respect of questions 2 and 3 to confirm or deny whether any information is held or not has the potential to compromise the prevention and detection of crime.

Current investigations

It is in the public interest to engage the neither confirm nor deny principals to any information that may be of assistance to anyone involved in criminal activity.

Balancing Test

Having considered the arguments highlighted above it is considered that the balance in the public interest test is one of maintaining the exclusion of the duty to confirm or deny as it outweighs the public interest in disclosing whether PSNI holds the information requested in questions 2 and 3.

In accordance with the Act, this letter represents a Refusal Notice relating to questions 2 and 3 of this particular request. The PSNI can neither confirm nor deny that it holds the information you have requested.

However, this should not be taken as conclusive evidence that the information you requested in relation to questions 2 and 3 exists 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 @ www.psnipolice.uk

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