



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01951

Keyword: Organisational Information/Governance

Subject: FIREARMS AND FIREARMS CERTIFICATES

Request and Answer:

I have decided to:

- disclose records in answer to question 7 in full;
- fully exempt records in answer to question 5 pursuant to the provisions of section 21 of the Act; and
- neither confirm nor deny that the PSNI holds any information in answer to question 6 pursuant to the provisions of sections 24, 31, 38 and 40 of the Act.

In addition the answers to questions 1 to 4 cannot be answered for the reasons outlined below.

Section 17(1) 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.

Question 1

How many members of Sinn Fein are holders of Firearms Certificates for Handguns?

Answer

Searches were conducted however these searches failed to locate any records or documents relevant to your request based on the information you have provided. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

This information is not recorded on the firearms licensing computer system. Political affiliation is not included as a question on the application form for a firearm certificate.

Question 2

How many Sinn Fein MLA are holders of Firearms Certificates for Handguns?

Answer

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

The Police Service of Northern Ireland have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit however the nature and structure of the information unfortunately makes

this impossible.

Holders of Firearms Certificates for handguns are not identified on the database as MLAs, (Sinn Fein or otherwise). Each physical file would need to be manually researched to ascertain if the applicant had declared whether he/she was a Sinn Fein MLA. There are currently over 13,000 handguns held on firearm certificate. Estimating an average of 15 minutes per file results in search and retrieval costs massively in excess of the appropriate limit. Accuracy of any such exercise would also be dependent upon the applicant having made the appropriate declaration as outlined above.

Question 3

Do the drivers or Personal Protection Persons of Sinn Fein MLA carry weapons?

Answer

The PSNI do not hold any information of this type as there are no means for registering or recording the carriage of "weapons". The only information of this type that would be likely to be held would be where persons have been detected for offences such as possession of offensive weapons contrary to Article 22(1) of the Public Order (Northern Ireland) Order 1987, but records of such detections is obviously not the nature or focus of this question.

Question 4

How many ex prisoners are allowed to carry handguns for personal protection?

Answer

The cost of complying with your request for information would exceed the "appropriate limit" as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004, which is currently set by the Secretary of State at £450.

The Police Service of Northern Ireland have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit however the nature and structure of the information unfortunately makes this impossible.

This information is not readily available from the system. Records do not identify holders of Firearms Certificates as having served sentences of imprisonment. This information is held on physical file as part of the application process. The most recent statistics produced in relation to personal protection weapons indicated that there are currently over 3000 held on firearm certificate. To retrieve this information would require a manual search of each physical file to obtain the information. Estimating an average of 10 minutes per file results in search and retrieval costs massively in excess of the appropriate limit.

Question 5

How many retired police officers have had a renewal application for their personal protection weapon turned down?

Answer

Pursuant to the provisions of Section 21 of the Freedom of Information Act 2000 it has been decided to refuse access to the information you have requested. Section 21 of the Act provides that information which is reasonably accessible to the applicant by other means is exempt information.

The information you have requested is available from the Police Service of Northern Ireland's Publication Scheme. To access our Publication Scheme please visit our website at http://www.psni.police.uk/personal_protection_weapons.pdf

Question 6

How many MLA in total have a personal protection weapon or a driver or a personal protection person who carries a weapon?

Answer

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. The first duty at s1 (1) (a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1) (b) is to disclose information that has been confirmed as being held.

In accordance with the Act, this letter represents a Refusal Notice for this particular question. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested. I can, however, advise you, as required by Section 17 of the Act that such information, if it were to exist, would be reasonably expected to be exempted under Section 24(2) National Security; Section 31(3) Law Enforcement; Section 38(2) Health and Safety and Section 40(5) Personal Information.

A Firearm Certificate for a Personal Protection Weapon will only be authorised where there is a 'verifiable specific risk' to the life of an individual and that the possession of a firearm is a reasonable, proportionate and necessary measure to protect their life. The PSNI have previously released information in relation to the general threat level relating to the activities of dissident terrorist organisations in Northern Ireland. There are currently 108 elected MLAs in Northern

Ireland. The confirmation or denial that the PSNI holds information as to whether any member of such a small group of individuals is the holder of a Firearms Certificate for a Personal Protection Weapon would amount to the release of such information whether or not such records are held. Therefore if any information were to be released, the existence or non-existence of such a 'verifiable specific risk' to the lives of such a relatively small group of individuals could be ascertained. This would then make it possible for terrorists to establish whether or not any of their targeting activities against such a small group of individuals, or any member of such a small group, was known about by the PSNI, or the security services, either now or at any time in the future. This would have the potential to expose members of that group, whether they are the holders of PPWs or not, and also those members of the PSNI or other individuals who's role it is to preserve, or help preserve the life of those individuals, and any other persons in close proximity to those individuals, including members of the public, to an increased risk of attack or becoming caught up in such an attack. Further, such a release could undermine the process by which assessments for the granting of PPW certificates are made, or indeed the process in relation to any other protection measures are made, as counter measures could be taken by terrorists. This could have serious implications for law enforcement as additional resources would have to be diverted to ensure the safety of any such group of individuals. The considerations outlined above would apply to any small group of individuals, but where that group are members of government, the release of any such information would be likely to be detrimental to national security, i.e. part of the UK's system of government.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist.

Question 7

How many certificates for personal protection weapons are currently held in Northern Ireland?

Answer

There are currently **3234** personal protection weapons held on firearm certificate in Northern Ireland

For your information, the PSNI's policy on Personal Protection Weapons may be found on our website by clicking on the following hyperlink http://www.psni.police.uk/policy_directive_0906_personal_protection_weapon.pdf.

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.

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.