



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01297

Keyword: Organisational Information/Governance

Subject: VETTING & SECURITY FORCE CONTRACTS

Request and Answer:

Question

In the minutes of a policing board meeting you stated that of some 7000 applicants in the last 2 years 143 were refused work on site because they didn't meet the vetting process.

Can you give me the details of the 143 failed as to the reasons they failed, and state the most serious and clarify?

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested in relation to the details of the 143 who failed.

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 on evidence of harm and where the public interest lies, are listed below:

Section 31 - Law Enforcement and

Section 40 - Personal Information

Harm

The release of information under the Freedom of Information Act must be considered a release of information to the world as a whole and therefore any disclosure of the requested information would clearly identify a part of the process that the Police Service of Northern Ireland undertake when vetting individuals. This would most certainly be of interest to criminal groups or organisations in that they would have a sight of reasons for refusal. The harm in releasing this information is that the criminal and terrorist fraternity may then be able to circumvent the procedures thus leading to inappropriate persons having access to police or other establishments, allowing them the ability to gauge the level at which PSNI carryout their vetting process and this level of intelligence with other information may reveal PSNI's capabilities that currently exist within the PSNI law enforcement process.

Public Interest Test

Considerations Favouring Disclosure

Accountability

The information you have requested relates directly to the efficiency and effectiveness of the Police Service of Northern

Ireland when carrying out vetting on individuals.

Public Awareness and Debate

The release of this information would contribute to the quality and accuracy of public awareness / debate and would encourage the community in understanding how rigorous the vetting system is.

Considerations Favouring Non-Disclosure

Efficient and Effective conduct of the service

It would not be in the public interest to release information that may prevent or hinder current and future law enforcement. Disclosure is likely to compromise the law enforcement capability of the Service. Release of this information can give an advantage to someone looking to exploit any potential weaknesses. The protection and confidentiality around the vetting process must be preserved to ensure it works to the best of its ability and to ensure individuals working both inside and outside PSNI establishments are safe and secure from criminal elements by passing the vetting process.

Public Safety

Any disclosure which may increase the risk of harm being caused in the public arena is not desirable. If information were released surrounding any steps undertaken within the vetting process criminal elements maybe able to use this information to their advantage and gauge how to breach this rigorous system, which in turn would leave the Police Service of Northern Ireland vulnerable.

Balance

There is a requirement in any public interest test to balance the factors favouring disclosure with those against. The vetting processes are effective and long standing and are not enhanced by any disclosure in this case.

In the current climate within the UK, no information which may aid a terrorist should be provided. Hindsight is a wonderful gift that we are not in possession of at this time. To what extent this information will actually aid a terrorist is unknown, but discretion is our most effective tool. The public entrust the Police to make appropriate decisions with regard to their protection, and the only way of reducing the risk is to be ultra cautious. At this time, in these circumstances, it is undesirable to provide any details on the Police Service of Northern Ireland's vetting process and the results of same.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, 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. Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you requested regarding **reasons for failing vetting procedures** as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 23(5) Information relating to the Security bodies;
Section 24(2) National Security;

Section 23 is an absolute exemption but as Section 24 is a qualified exemption this means we are required to consider whether the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the information is held.

The Police Service of Northern Ireland appreciates there will be a level of public interest in the vetting procedures used by the service. The refusal criteria used within this process is not published and subsequently confirming or denying how anyone may/may not have been refused clearance could provide an insight which may subsequently damage national security in reducing the ability and manner in which the PSNI would be able to effectively protect the safety and well being of its officers, staff and in return the community if these criminal elements were able to gain access to this type of information.

This should not be taken as necessarily indicating that any further information that would meet your request exists or does not exist.

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.psnipolice.uk/>

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