



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-00147

Keyword: Crime

Subject: Police Prevention of Bomb Attacks and Shootings

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information and the answer to your questions are as follows:

Question 1

How many attempted bomb attacks did police prevent against their officers last year, from January 1 2009 to December 31 2009?

To clarify these are plots/plans by dissidents to carry out bomb attacks against officers and do not include bombs that went off.

Question 2

How many attempted bomb attacks did police prevent against their officers from January 1 2010 to January 15 2010?

To clarify these are plots/plans by dissidents but does not include the attack on Paedar Heffron?

Question 3

How many attempted shootings did police prevent against their officers last year from January 1, 2009 to December 31 2009?

To clarify these are plots/plans by dissidents to shot officers and do not include the actual shootings of an officer?

Question 4

How many attempted shootings did police prevent against their officer from January 1 2010 to January 15 2010.

To clarify these are plots/plans by dissidents to shot officers and do not include the actual shooting of an officer?

Answer

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities.

Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17 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 any information relevant to terrorist offence within our force jurisdiction 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 supplied by or concerning certain Security Bodies
Section 24(2) National Security
Section 30(3) Investigations
Section 31(3) Law Enforcement
Section 38(2) Health and Safety
Section 40(5)(b)(i) Personal Information

Sections 23 and 40 are class based absolute exemptions and there is no requirement to consider the public interest test in this area.

Section 30 is a class based qualified exemption and consideration must be given as to whether there is a public interest in neither confirming nor denying the information exists is the appropriate response.

With Sections 24, 31 and 38 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Harm and Public Interest Considerations with regard to Confirming or Denying that the Information is held

Harm

By confirming if any bombings/shootings were or were not prevented could inform the criminal fraternity that their attempts at terrorist activities had failed. Conversely, it could indicate police tactical capability including surveillance and resources.

Public Interest Considerations

Section 24

For

It could be argued that confirming the information is held would make the community at large aware of the extent to which terrorist activity has occurred in the recent past. This knowledge would enable them to take steps in order to protect themselves.

Against

Terrorist activity within the United Kingdom is a real and current threat and the Police Service has a duty of care to protect the public they serve.

Citing exemptions or stating 'no information held' would identify investigative activity and potentially undermine a current ongoing covert investigation. Such action could undermine the security and/or infrastructure of the United Kingdom.

Section 30 and Section 31

For

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve and there is a public interest in the transparency of policing operations.

Against

Modern-day policing is intelligence led and the Police Service share information with other law enforcement agencies as part of the intelligence gathering process. Irrespective of whether information is or isn't held, the Police Service will never confirm low level terrorism offence detail which could undermine the partnership approach of information sharing or any investigation.

Section 38

For

Irrespective of whether information does or doesn't exist identifying whether terrorist activity has occurred could provide the public with information which could assist in an improved and factual public debate.

Against

There is the potential and significant risk to the physical or mental health of an individual or individuals. Offenders who are intent on carrying out terrorist behaviour will stop at nothing in order to get their views across. This can be evidenced from recent events which have occurred in Northern Ireland, notably the Police Officer who was injured in a car explosion in Co Antrim.

Balancing Test

Public safety and the security of the country is of paramount importance and the Police Service will not divulge whether information is or isn't held if to do so would place the safety of an individual at risk or undermine National Security. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure is not made out.

No inference can be taken from this refusal that the information you have requested does or does not exist.

However, this should not be taken as conclusive evidence that the information you requested 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 letter.

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.