



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F 2010 01635

**Keyword:** Crime

**Subject:** CANNABIS SEIZURES

### Request and Answer:

In relation to Cannabis seizures in Northern Ireland and your previous Freedom of Information request F 2010 01376:

Question 1.

Please could you break down the foreign nationals by actual nationality?

Question 2

Please also give me a total for the number of plants seized.

Your request for information has now been considered and the decision has been taken to supply the answer to question 2 and apply exemptions to question 1.

Question 1.

Please could you break down the foreign nationals by actual nationality?

Answer

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.

The exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Absolute Exemptions

Section 40 (2) (3) (a) Personal Information

Public authorities are in general, exempt from the Act's duty to provide access to 'personal data' (as defined in the Data Protection Act 1998). Disclosure would breach the first principle, "fairly and lawfully processed". Where an application for information is made by someone other than the 'data subject' disclosure of that information would constitute a breach of the Data Protection Act and consequently the PSNI is exempt from its duties under the Act as a result of Section 40 (2).

#### Section 44 Information covered by Prohibitions on Disclosure

PSNI considers that the disclosure of the information could expose persons which could lead to a real and immediate risk to life and/or well-being (as protected by Articles 2 and 3 of the European Convention on Human Rights). Any action by PSNI that results in the creation of such risk is likely to result in a finding of a violation by PSNI of our obligations under Section 6 of the Human Rights Act 1998.

#### Qualified Exemption

##### Section 38 (1) (b) Health and Safety

Section 38 is a prejudice based qualified exemption which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

However, Sections 40 and 44 are class based absolute exemptions and there is no requirement to consider the public interest test in this area.

#### HARM

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole.

Release of information under FOIA must be considered a release of information to the world as a whole.

The release of the requested information would disclose to the criminal fraternity the nationality of persons involved in drugs which may have previously been unknown to them. The harm in doing this, is that, the criminal fraternity can potentially gauge the gauge the nationalities that are involved in drug related activities.

By way of an example, a fictional scenario would be, if someone had been planning to purchase/sell drugs, they would be aware, on receipt of this data, which nationalities are more likely to be involved in drugs purchase or sale, and therefore may decide to target a particular nationality more proactively. This could also have the potential of harm or risk to the local community in these areas i.e. a particular nationality within a specified community could be perceived as an area that drug dealers/users may then frequent and make these communities vulnerable to drug activities that may have other wise not occurred.

This is because it is likely that, a release of a number of persons from a small ethnic group in Northern Ireland at present, could be perceived as being involved in cannabis production, etc. This could lead to distress, etc., for the persons concerned and also a risk of injury to them.

#### Public Interest Test

The public interest test relevant is as follows: -

## The factors favouring disclosure for Section 38

The public are entitled to know what areas of criminal activity the police service allocate public funds to therefore by disclosing this information, would lead to better informed public awareness and debate. Disclosure of the information would assist communities to be more aware of the level of protection afforded to them.

Where the release of information would contribute to the quality and accuracy of public debate and encourage the community to be more vigilant and proactive in the fight against crime.

## The Factors favouring non-disclosure for S38

By disclosing the information the risks to individuals would be significant and there would be a loss of confidence in the police service to protect the well-being of the community.

By releasing information at the level of detail you are requesting, could lead to individuals being attacked and their own and family's safety endangered should the information be acted upon by an individual or criminal organisation intent on breaching current PSNI security processes. By PSNI publishing the nationality of people involved in drug seizures, will inform the criminal fraternity. i.e. If a certain nationality is not mentioned and it is in fact involved in drugs, the release of the requested information could let anyone involved/linked to drugs know that the PSNI may not be aware that that particular nationality is active in drug related activities. PSNI could be endangering others as criminals could know that some of their drug related activity is not known to the police.

The PSNI also has a duty of care to the community we serve, to release information which could lead to an individual's safety being jeopardised would result is a loss of confidence in the way information is used.

## Balancing Test

After weighing up the competing interests PSNI have determined that the disclosure of the information would not be in the public interest.

## Question 2

Please also give me a total for the number of plants seized.

## Answer

There were 37,636 cannabis plants seized in these incidents between 1<sup>st</sup> April 2007 and 31<sup>st</sup> March 2010.

If you have any queries regarding your request or the decision please do not hesitate to contact 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](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 @ [www.psnj.police.uk](http://www.psnj.police.uk)

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