



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F 2010 3589

**Keyword:** Crime

**Subject:** A request regarding a Murder Attempt 1999

### Request and Answer:

#### Question

Information regarding a Murder Attempt 1999

#### Answer

Section 17(5) of the Freedom of Information Act 2000 requires the PSNI, when refusing a request to provide such information to provide you the applicant with a notice which states that fact. The Police Service of Northern Ireland (PSNI) has decided to refuse your request pursuant to the provisions of Section 14 of the Freedom of Information Act 2000, the decision has been taken to refuse your request as it has been deemed a 'Vexatious Request'. Section 14 (1) of the Act does not oblige a public authority to comply with a request for information if the request is vexatious.

In reaching this decision a number of factors to consider have been defined by the Information Commissioners Office:

- Does the request lack any serious purpose or value?
- Would complying with the request impose a significant burden in terms of expense and distraction?
- Is the request designed to cause disruption or annoyance?
- Is the request harassing the authority or causing distress to staff?
- Can the request fairly be seen as obsessive?

In order to show this request as vexatious we will address each of the following points individually.

#### **Does the request lack any serious purpose or value?**

We note you have been in touch with the Senior Investigating Officer (SIO) in charge of the case and consider that the PSNI has released as much information as possible to you. You have also had further information released to you via a Data Protection, Subject Access request. PSNI will not engage in a public forum i.e. FOI regarding a live investigation. Any disclosure under this Act is applicant blind as the identity of the requestor is not an important factor. The reason for the request is also not relevant as any disclosure of information must be suitable for release into the public domain. Information about an open criminal investigation case will not normally be released into the public domain under FOI by the police. Some details may already be in the public domain but the police will not be the source of this type of information.

**Would complying with the request impose a significant burden in terms of expense and distraction?**

Complying with the current request will impose a significant burden both in terms of cost and also diverting staff way from their core functions. This is evidenced in the interactions you have already had with the SIO.

**Is the request designed to cause disruption or annoyance?**

The request submitted would cause disruption to normal business process i.e. request for information concerning the investigation. You are aware this remains a live investigation and any release of information is likely to be to the detriment of the legal process and must be resisted at this current period of time.

**Is the request harassing the authority or causing distress to staff?**

Although the request itself does not appear to be designed to harass staff by being accusatory in nature, in other communications, particularly emails, you use defensive and accusatory language and constantly request evidence and explanations of actions undertaken in the processing of your requests. You have also been offensive in your verbal conversations with Data Protection and FOI staff despite them trying to assist and advise you.

**Can the request fairly be seen as obsessive?**

A request may not be vexatious in isolation, but when considered in context i.e. it is the latest in a long series of overlapping requests or other correspondence. This forms part of a wider pattern of behaviour that makes it vexatious. In previous case law in relation to the obsessive nature of an applicant the ICO stated '...the applicant has accompanied formal approaches by frequent and lengthy emails, often containing further questions on the basis of any response received'. They accepted that this was evidence of an obsessive pattern of requests.

The PSNI is aware that you have also had a significant number of requests with different public authorities. i.e. Another UK police service, Crown Prosecution Service, Public Prosecution Service (NI), the Compensation Agency (NI), the PSNI Data Protection unit and the Department of Justice (NI). This shows evidence of patterns of interaction with other public authorities. The PSNI consider that answering this request could lead on to further requests and complaints.

Any requests you submit in the future will be considered on a case-by-case basis and if they comply with Section 8(1) (c) FOIA, e.g. describe the information requested, and are not of a nature that could be fairly characterised as obsessive or manifestly unreasonable, will not be treated as vexatious.

I confirm that any further requests made under the Act for information relating to the incidents in which you were involved and any subsequent information relating to the investigations arising from the incidents associated legal proceedings, media related matters and any complaints made by yourself related to the incident and subsequent investigations will be categorised as vexatious and will not be administered in any capacity.

You should note that the following this correspondence, we are not obliged to, nor do we intend to, take any further steps in relation to this matter or any further requests that you may submit that are deemed to fall into the remit of vexatious.

If you have any queries regarding your request please write or contact the Freedom of Information Team on 028 9070 0164. Please remember to quote the reference number listed above in any future communications with the Freedom of Information Team.

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.psni.police.uk](http://www.psni.police.uk)

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