



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F 2010 01785

**Keyword:** Crime

**Subject:** OPERATION ORE

### Request and Answer:

Thank you for your response to the Freedom of Information request ref F-2010-01302 submitted 5 May 2010.

The response indicates that you are not able to release the information (or even confirm or deny its existence) principally on the basis that it would undermine an ongoing operation.

I note that on 15/4/04, The Irish News reported of Operation Ore: "FBI supplied the PSNI with a list of almost 40 people with addresses in the north. More than 100 computers were seized as the PSNI's Child Abuse and Rape Enquiry (Care) unit followed up the leads. "

Also, on 31/8/03, Sunday Life reported: "Thirty-nine names of Ulster people, suspected of downloading pornographic pictures of children from a US website, were sent to the PSNI by the FBI last year, as part of a major international clampdown, codenamed Operation Ore."

Therefore reporting of at least some elements of the operation in the past has clearly not been seen as undermining it.

In addition, on January 22, 2005 a A spokeswoman for the National Crime Squad is quoted in the Leicester Mercury as saying: "There were critics who said it would take 10 years to carry out Operation Ore, but it is virtually all over after just two years." - and therefore is unlikely to be ongoing five years after that comment was made.

I hope this addresses the above concerns, and I therefore submit below a reduced version of the original query:

1. How many people were on the list given to PSNI by NCS related to Operation Ore
2. How many arrests were made?
3. How many people were charged?
4. How many convicted?
5. Was credit card fraud investigated. If so, at what stage and were the findings of those investigations communicated to NCS?

If the above query in total still exceeds the appropriate level of cost, I would be grateful if you would advise me if a partial response (ie. to several questions but not all) would be possible within the limit.

## **Answer**

In accordance with the Act, this letter represents a Refusal Notice under Section 17 (1) for this particular request. The Police Service of Northern Ireland (PSNI) can neither confirm nor deny that it holds the information you have requested.

The PSNI can neither confirm nor deny that it holds any information with regard to Operation Ore as the duty in Section 1(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 30(3) Investigations  
Section 31(3) Law Enforcement  
Section 38(2) Health and Safety  
Section 40(5) Personal Information  
Section 44(2) Prohibitions on Disclosure

Sections 23 and 44 are class based absolute exemptions and there is no requirement to consider the public interest test in this area.

Section 40, subsections (1) and (2), is a class based absolute exemption, however Section 40(5) is not, as it is not listed in the schedule of absolute exemptions in Section 2(3). When citing Section 40(5) there is a requirement to articulate the public interest to ensure that neither confirming nor denying that information exists is the appropriate response.

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 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**

Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. To confirm that information relating to Operation Ore is held in relation to these questions, even if that information was exempted, or to confirm no information is held, would provide intelligence to criminals about the status of a police investigation and may enable a simple mapping exercise of the United Kingdom to be completed revealing areas of activity. Such awareness would seriously undermine Operation Ore and place individuals at risk.

## **Public Interest Test**

### **Section 40**

#### **Factors favouring confirmation or denial**

Confirmation or denial of whether information is held by PSNI would enable the public to have a better knowledge of whether information was known about individuals involved with Operation Ore and therefore provide a better understanding of the decision-making process when it comes to the disclosure of personal details.

#### **Factors against confirmation or denial**

Such disclosure would be a clear breach of the first principle of the Data Protection Act, which states that personal data shall be processed fairly and lawfully and that a public authority must handle

people's personal data only in ways they would reasonably expect.

### **Section 30 and Section 31**

#### **Factors favouring confirmation or denial**

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 to ensure investigations are conducted appropriately.

#### **Factors against confirmation or denial**

Modern-day policing is intelligence led and the Police Service share information with other law enforcement agencies as part of their intelligence gathering process. To confirm or not whether information relating to Operation Ore is held by PSNI would hinder the prevention and detection of crime and undermine the partnership approach to investigations and law enforcement.

### **Section 38**

#### **Factors favouring confirmation or denial**

Confirmation as to whether the information is or isn't held could provide a better awareness to the general public that the use of police funds is being dealt with appropriately to ensure their safety.

#### **Factors against confirmation or denial**

The Police Service will never confirm whether or not information is held if to do so could jeopardise the risk of an individual or undermine public confidence in PSNI ability to protect the wellbeing of the community.

### **Balancing Test**

Irrespective of whether information is or isn't held, public safety and the ability to deliver effective law enforcement is of paramount importance to the Police Service. Confirmation or denial of whether information is held would undoubtedly compromise both law enforcement and health of safety of an individual. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for confirming whether or not any information is held by PSNI is not made out.

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

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

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