



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F 2010 01302

**Keyword:** Crime

**Subject:** OPERATION ORE

### Request and Answer:

#### Request

With reference to Operation Ore, after September 2002 packages of information were released by the National Crime Squad to local forces to investigate. My queries are as follows:

1. When your force received the package of information, was an investigation launched under a specific operation name by your force, and if so, what was the name of the operation?
2. How many people were identified in the material given to your force by the National Crime Squad?
3. Did you check for instances of credit card fraud? If fraud was found, in how many cases was it found? Was this communicated to NCS? If so, when and in what form? Please supply copies of that communication where available.
4. How many addresses were visited as part of the investigation?
5. How many searches were conducted?
6. How many arrests were made for the following periods, and how many of those arrests were for incitement?:  
Before 20 January 2003  
Between January 2003 and 5 February 2003 After 5 February 2003
7. In how many cases were images of child abuse discovered?
8. How many people were charged? How many of those people were charged with incitement?
9. How many people accepted a caution? How many of those people were cautioned for incitement?
10. Separate to those who accepted a caution, how many people were prosecuted?  
How many with incitement?

11. Of those prosecuted how many were convicted and of what offences?

12. How many cases are outstanding, and for what offences?

I wish to be informed in writing whether you have such information and, if so, I seek the disclosure of that information. If the information is covered by any exemptions, please disclose such information as is not covered by the exemptions.

Disclosure is in the public interest because Operation Ore was a major investigation for which conclusive figures have never been made public.

### **Answer**

In accordance with the Act, this letter represents a Refusal Notice 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.psni.police.uk](http://www.psni.police.uk)

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