



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F 2010 00149
Keyword: Crime
Subject: Osman warnings

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

Provide information in relation to question 1

1. Please define what an Osman warning is, and in what circumstances it would be issued.

Answer 1.

Policy Directive PD16/08 'THREATS TO AN INDIVIDUAL AND LOCATION' and in particular section 3 (e) provides an outline of police duty in relation to the 'Osman ruling', this is available on the Police Service of Northern Ireland (PSNI) website by clicking the below link:

http://www.psni.police.uk/policy_directive_1608_threats_to_an_individual_and_location.pdf

Fully exempt information in relation to question 2 and 3 (a) pursuant to the provisions of sections of the FOI Act. Section 24 (1) National Security, Section 31 (1) (2) Law Enforcement and Section 38 (1) (b) Health and Safety.

Questions 2 and 3 (a)

2. State how many Osman warnings were issued by PSNI in 2009. Provide comparison figures for the previous four years (i.e. 2005 to 2008)

3. For each year (i.e., 2005, 2006, 2007, 2008 and 2009), please state:
a) How many were for men and how many were for women

Answer to questions 2 and 3 (a).

PSNI has considered your request and the decision has been taken not to supply the requested

information.

Section 17 (1) of the Freedom of Information Act 2000 requires the PSNI, 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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Qualified Exemptions

Section 24 (1) National Security

Section 31 (1) (2) Law Enforcement

Section 38 (1) (b) Health and Safety

Sections 24, 31 and 38 are prejudice based qualified exemptions 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.

HARM

The release of information under FOIA must be considered a release of information to the world as a whole and therefore any disclosure of the requested information would clearly identify to any interested criminal group or organisation that PSNI held intelligence in respect of threats. The harm in doing this is that the criminal and terrorist fraternity can then potentially gauge the level and exchange of intelligence with other partner's, identify police tactics and reveal operational capabilities that currently exist within the PSNI law enforcement process. Such a disruption could subsequently damage national security in reducing the ability and manner in which the PSNI would be able to effectively protect the safety and well being of its community.

By way of an example, a fictional scenario would be, if someone had been planning to attack a person in Northern Ireland during this period, they would be aware, on receipt of this data (particularly zero data), that their plans had not been detected by the authorities, and therefore may decide to resume their activities.

Public Interest Test

The public interest test is as follows: -

Section 24 (1) National Security

Factors favouring disclosure

The release of the requested information could provide a better understanding of how public funds are spent in relation to Osman warnings and could enable the public to take more effective steps to protect themselves.

Factors favouring non-disclosure

The risk of harm to the public would increase as already outlined above in the HARM. Any release of

information in relation to the number of Osman warnings issued by the PSNI would subsequently cause disruption and damage national security in reducing the ability and manner in which the PSNI would be able to effectively protect the safety and well being of its community.

Section 31 (1) (2) Law Enforcement

Factors favouring disclosure

The release of the number of Osman warnings issued by the PSNI may be of interest to the public. The actions of the PSNI, particularly in relation to crime prevention and detection require an appropriate application of legislation.

Factors favouring non-disclosure

The PSNI law enforcement tactics would be compromised as individuals could be placed at risk because a fear of crime will be realised. With this heightened fear, the prevention or detection of crime would be hindered. It would not be in the public interest to release information that may prevent or hinder current and future police investigations and regulatory enforcement.

It would not be in the public interest to release information that may be of assistance to anyone involved in criminal activity and targeting individuals.

Section 38 (1) (b) Health and Safety

Factors favouring disclosure

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/terrorism.

Factors favouring non-disclosure

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 number of threats that police are aware of, will inform the criminal/terrorist fraternity of police intelligence. If criminals/terrorists have a higher number of individuals under threat, we would be endangering others as criminals/terrorists could know that some of their targeting is not known to the police.

The PSNI 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 in a loss of confidence in the way information is used.

The current threat level is SEVERE in United Kingdom and the recent murder of a police officer and the bomb attacks on another officer and family member have heightened the fear of similar crimes. Domestic terrorism related to Northern Ireland principally from dissent Irish Republican and loyalist terrorist groups, remains a threat.

Balancing Test

On balance it is not in the public interest to release this information.

Questions 3 (b) and (c).

3 (b) How many were for people aged under 18

3 (c) For those under 18 please state the age and gender in each case

Answer 3 (b) and 3 (b)

In relation to questions 3 (b) and 3 (c) the 2005 – 2008 aspects, PSNI do not hold this information.

However, in relation to the 2009 aspect of questions 3 (b) and (c), although PSNI do record a date of birth this information is not categorised in a way that would enable us to answer this question. A case by case manual search would have to be completed. It is estimated that the cost of complying with questions 3 (b) and (c) your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice for questions 3 (b) and (c), and therefore this part of your request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the ‘appropriate limit’. Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions. The PSNI have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit however due to the nature and structure of the information requested, this is not possible.

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.

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

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