



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F 2010 02859

Keyword: Crime

Subject: Seized property

Request and Answer:

Please let us know what resources have been dedicated to **my client's** *family's case.

1. How many officers have been working on it.
2. How much time has been spent searching our client's computers.
3. What priority has this case taken. There has obviously been a delay.

Please explain the reason for same.

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Qualified Exemption

Section 30 (1)(a)(b)(c) and (2)(a) Investigations and proceedings conducted by the public authority

Section 30 is a class based qualified exemption which means that the legislators have identified that the public interest considerations need to be evidenced and articulated to the applicant.

Harm

Under the Freedom of Information Act (2000) any information released under FOI is released into the public domain, not just to the individual requesting the information.

Section 30 - Investigations

It could be argued that there is a public interest in the transparency of investigations carried out by the police to ensure they are being conducted appropriately and in line with current investigative guidelines.

The Police Service has a duty of care to all individuals involved in any investigation and must ensure effective law enforcement and comply with the Police (NI) Act 2000, which states:

“It shall be the general duty of police officers –

- (a) to protect life and property
- (b) to preserve order
- (c) to prevent the commission of offences
- (d) where an offence has been committed, to take measures to bring the offender to justice”.

Therefore, the Police Service will not disclose information which could compromise an ongoing investigation.

A public authority is exempt from the duty to communicate information where that information has, at any time been held for the purposes of any investigation, which the public authority has a duty to conduct.

Public Interest Test

The public interest test relevant is as follows: -

Section 30 Factors Favouring Disclosure

Disclosure could promote public trust in providing transparency, demonstrating openness and accountability. It could allow the public to be satisfied that the investigation has been conducted efficiently. Disclosure would also show that public funds were being used effectively and appropriately.

The public interest may be served by providing individuals with information of particular reference to them and their situation, e.g. information that would assist the applicant to understand the steps taken by the service in dealing with their request and information which would assist them to assess whether to pursue a legal remedy or otherwise.

Section 30 Factors Favouring Non-Disclosure

Information released into the public domain could undermine a current investigation. It would therefore not be in the public interest to release information that may still be of assistance to the PSNI in relation to any unresolved investigations. It would not be in the public interest to release information that may prevent or hinder current investigations and regulatory enforcement.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst such information may be released, if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, it is hard to see how the information here will do so.

There can be public interest in non-disclosure of information that adversely affects the reputation of an individual e.g. where they have been the subject of police investigations.

Balancing Test

Whilst it is important to be open and transparent, in this case the investigation is ongoing and there is no benefit to the public in the release of the requested information. Therefore, currently, it is our opinion that for these issues, the balancing test for disclosure is not made out.

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.