



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-02912

Keyword: Crime

Subject: Sports Body Fraud

Request and Answer:

Request

I submitted the Freedom of Information Request F 2010 01563 in June

1: Can you advise if it is possible to get more details of the case reported to the PSNI by the Sports Council?

2: Is there a file or correspondence I can get a copy of?

3: Also, can you advise what parties decided not to report the matter for investigation and why?

Answer

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

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 PSNI is refusing to provide information by virtues of Sections 31,38,40,41 and 44 of the Freedom of Information Act 2000

The exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31(1)(a)(b)(c) and (2)(a): Law enforcement

Section 38(1)(a)(b): Health & safety

Section 40(2)(a)(b): Personal information

Section 41(1)(a)(b): Information provided in confidence

Section 44(1)(a)(b): Prohibitions on disclosure

Section 31 and Section 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.

Section 40, Section 41 and Section 44 are absolute exemptions and do not require the public interest or harm to be evidenced and articulated to the applicant.

Harm

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 effective law enforcement.

The European Convention of Human Rights states under Article 8 that each person has the right to respect for private family life. Section 38 of the Freedom of Information Act 2000 also protects an individual's physical health and mental wellbeing whether the harm is real or perceived. Therefore the PSNI consider that by releasing the information you have requested relating to the enquiries around this case may have the potential to identify different person/s and would not be in keeping with the Act.

Public Interest Test

Section 31:

Disclosure

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 effective law enforcement.

Non-disclosure

The Police Service has a duty to deliver effective law enforcement ensuring the prevention and detection of crime, apprehension or prosecution of offenders and administration of justice is carried out appropriately. They will not reveal detail, no matter how generic, which would compromise effective law enforcement issues.

Section 38:

Disclosure

Better informed public awareness and debate.

Use of the public funds.

Non-disclosure

The Police Service has a duty of care to the community they service, 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.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 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.psnj.police.uk

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