



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-00277

**Keyword:** Crime

**Subject:** Alleged Theft of a Computer Laptop

### Request and Answer:

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

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Police Service of Northern Ireland (PSNI) can Neither Confirm Nor Deny that it holds the information relevant to your request 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 30(3) – Investigations and proceedings  
Section 40(5) – Personal information

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.

Although Section 40 is an absolute class-based exemption, a PIT is required for the purposes of NCND

### Overall Harm in Confirming or Denying whether Information is held

Modern-day policing is intelligence led, and intelligence changes on a day-by-day basis. Disclosures

under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. By confirming or denying that the lap-top had or had not been stolen would confirm that an investigation had taken place. This would indicate to the potential offender of the crime whether the police were aware of his activities or not. If individual police forces responded to the question of whether a lap-top had been reported stolen, then members of the public would know exactly where it had been stolen within the UK.

To confirm or deny that any of the listed officers had reported the theft of the lap-top, would be disclosing personal information which contravenes the Personal Data Act.

Factors favouring confirmation or denial for S30 – By confirming or denying the theft of a lap-top from the Solidarity Trade Union would have high profile media and public interest connotations and the public is entitled to know what investigations public funds are spent on.

Factors against confirmation or denial for S30 –By confirming or denying the theft of a lap-top from the Solidarity Trade Union, would hinder the prevention or detection of crime, as an investigation would be prejudiced.

Factors favouring confirmation or denial for S40 – Confirmation or denial of the theft of a lap-top from the Solidarity Trade Union would enable the public to have better knowledge of whether information was known about individuals and therefore better understanding of the decision-making process when it comes to the disclosure of personal details.

Factors against confirmation or denial for S40 - By confirming or denying the theft of a lap-top from the Solidarity Trade Union would contravene 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.

#### Balance test

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The PSNI will not divulge whether information is or is not held if to do so would adversely affect these important roles. Whilst there is a public interest in the transparency of policing operations and providing assurance that the PSNI is appropriately and effectively dealing with crime, there is a strong public interest in safeguarding the integrity of police investigations and operations.

It is therefore my opinion that for these issues the balancing test for confirming or not that information is held, 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 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](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.