



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02712

Keyword: Complaints/Discipline

Subject: Allegations about police officers selling information

Request and Answer:

Question

How many allegations have been made about police officers selling information to unauthorised third parties between July 2009 and July 2011?

Question

How many of these allegations were investigated?

Question

How many of these investigations are closed? How many are ongoing?

Question

How many allegations were upheld?

Question

How many police were sacked as a result of the allegations? How many were disciplined?

Question

How many officers subject to these investigations left the force before the investigation was complete?

Question

How many of these investigations found that officers had sold information?

Answer

In accordance with the Act, this letter represents a Refusal Notice for this information. The Police Service of Northern Ireland can neither confirm nor deny (NCND) 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)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption :

Section 30 (3) Investigations

Section 30(3) – Investigations is a class based and qualified exemption. If the information were held it must fit into the class of information covered by this exemption and if it were held it would be held for the purposes of an investigation to determine whether an offence has been committed. The information sought clearly falls within the class of information provided by this exemption.

As section 30 is a class based qualified exemption, consideration must be given as to whether there is public interest in neither confirming nor denying the information exists is the appropriate response.

Factors favouring confirmation or denial

Confirming the existence of information would show how the PSNI deal with allegations of wrongdoing. It would provide reassurance to the public that the police service takes all reports of crime or wrongdoing seriously and conducts investigations appropriately. Confirming or denying that information exists could promote public trust in providing transparency and demonstrating openness and accountability, allowing the public to have a better understanding of the effectiveness of the police service.

Factors against confirmation or denial

Irrespective of whether information is or is not held, confirming to the world if the PSNI had received any allegations, would reveal policing activity. The PSNI would not want to disclose whether they are currently investigating allegations of police officers selling information, as this may be all the information required to identify an individual or to determine if they are being investigated. This would undermine the investigation process and may even lead to cases needing to be discontinued and offenders escaping justice.

Balance Test

The points above highlight the merits of confirming or denying the requested data exists. Whilst there is a public interest in the transparency of policing and providing assurance that allegations/reports are dealt with appropriately, there is strong public interest in safeguarding the integrity of police investigations.

The potential harm to current and/or future investigations outweighs any public benefit in knowing if any information is, or is not held. Police Officers are held to public account for their actions, including how matters are investigated, by the PSNI Code of Ethics and/or in some cases by the Police Ombudsman for Northern Ireland. There is no further tangible community benefit in complying with section 1(1)(a) of the Act at this time.

However, this should not be taken as conclusive evidence that the information you requested exists 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.

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.