



FREEDOM OF INFORMATION REQUEST



Request Number: F 2011 01134

Keyword: Crime

Subject: ANPR

Request and Answer:

Question 1.

Other than the PSNI who else can access the information stored on the database.

Question 2.

How many of these type of cameras have been installed in Northern Ireland to date.

Question 3

What planning permission was sought for the erection of these cameras.

Your request for information has now been considered and the decision has been taken to provide answers to questions 1 and 3 and to not supply the information you have requested in relation to question 2.

Answer to question 1.

Only suitably trained and authorised PSNI Staff access the ANPR database. However, PSNI share relevant information, with other law enforcement agencies, to help prevent and detect crime.

Answer to question 3.

Planning permission is not required for the erection of these cameras as approval to avail of an exemption from the Department of Regional Development has been obtained.

Answer to question 2

Section 17 (1) 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 exemptions, 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) (a) (b) (c) Law Enforcement

Sections 24 and 31 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 essence of the work undertaken by the PSNI is to protect both individuals and society as a whole.

Crime Operations Department PSNI is entrusted with a considerable amount of information and it has an important role in countering the many threats against society. The protection of information is essential to its work and the release of any inappropriate information could compromise front line policing.

Section 24(1) of the Freedom of Information Act gives an exemption from disclosing information for the purpose of safeguarding national security. ANPR cameras are a necessary tool in the fight against terrorist activities within Northern Ireland.

ANPR cameras are not only used for the prevention and detection of general criminal activity but they are also used to monitor, investigate and intervene in terrorist activity. The current threat level in the Northern Ireland is SEVERE which means a terrorist attack is highly likely. To disclose the number of ANPR cameras within Northern Ireland would be extremely useful to those involved in criminality/ terrorism as it could enable them to choose routes not covered by ANPR technology and evade detection and surveillance.

Disclosure would give criminals/terrorists details of the number of ANPR cameras, this could allow them, on the balance of probability, to avoid some routes that they would consider to be not covered by ANPR technology and therefore subsequent detection. Revealing the number of ANPR cameras, coupled with any current media releases on the possible locations would dramatically weaken the effective use of ANPR as a monitoring tool in the fight against terrorism on a local and national scale.

In the current climate in the United Kingdom (UK), no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have a considerable negative impact on the police's ability to monitor terrorist activity. The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with the information that is released.

The usefulness a release of the number of ANPR cameras can be even more impactful when linked to other information gathered from various sources about criminality/terrorism. The more information disclosed over time gives a more detailed account of the tactical infrastructure of not only the UK but also Northern Ireland. Any incident that results from a disclosure would by default effect national security.

By way of explanation, If PSNI stated a fictional number of cameras i.e. 100 and the requester/public divided that by the number of PSNI Districts i.e. 8 then that would indicate to criminals/terrorists the potential camera coverage per District. A District search for cameras could be carried out and possibly the exact location of cameras identified thus hindering the prevention and detection of crime, the safeguarding of national security, apprehension and prosecution of offenders and the administration of justice. Criminal/terrorists could then avoid the routes identified and take alternative routes to carry out their activities undetected. Operations, which could have been successful, will be

compromised and any individual could potentially be affected and made a victim. Once again, it is worth noting that bombing incidents in Northern Ireland have increased from 50 last year to 99 this year.

This would mean the loss of a valuable tool in the police fight against criminals/terrorists and would seriously jeopardise protecting the community we serve.

Operational procedures, methodology and tactics must be protected by the correct application of exemptions. This is because the release of this type of information would rarely be in the Public Interest and may reduce the PSNI's capability to perform its overall functions under 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."

Public Interest Test

The public interest test is as follows: -

Section 24 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 ANPR and could enable the public to make more informed judgements concerning how effectively PSNI use their budget in this area.

Section 24 National Security 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 details regarding ANPR cameras etc could be detrimental to any further lines of enquiry that may come to the attention of the PSNI and risk the success of future investigations. This could also impact on 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.

ANPR is a valuable tool in the fight against crime and terrorism and the threat level in Northern Ireland remains at SEVERE. Dissident republicans have recently murdered a second police officer and also renewed their death threats to all police staff. It is therefore considered that the requested information should not be disclosed.

Security measures are put in place to protect the community that we serve. As evidenced within the harm to confirm the number of ANPR cameras could highlight to criminals/terrorists otherwise unknown details relevant to ANPR, allowing them to make informed decisions regarding ANPR and therefore subsequent detection. This could dramatically weaken the effective use of ANPR as a monitoring tool in the fight against terrorism on a local and national scale.

The cumulative effect of criminals/terrorists gathering information from various sources would be even more impactful when linked to other information gathered from various sources about criminality/terrorism. The more information disclosed over time gives a more detailed account of the tactical infrastructure of not only in Northern Ireland but also the UK as a whole. Any incident that results from such a disclosure would by default affect national security.

Section 31 Law Enforcement factors favouring disclosure

The release of information in relation to ANPR by the PSNI may be of interest to the public. The actions of the PSNI, particularly in relation to crime detection require an appropriate application of

legislation.

Section 31 Law Enforcement factors favouring 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. It would not be in the public interest to release information that may be of assistance to anyone involved in criminal/terrorist activity. As explained in the harm the release of this information would be likely to assist both criminals and terrorists rather than being an operational tool for police and thus ultimately protecting the community.

The release of this information would also compromise any ongoing criminal investigations, or proceedings, which make use of the data produced by ANPR. In addition, the technology can be used in combating acts of terrorism but also in the prevention and detection of crime and in the reduction of death and injury on the roads. The safety of the public is of paramount importance to the policing purpose, and an increase in crime would place the public at risk of harm.

Balancing Test

To disclose the requested information would have a serious negative impact on the security of the whole of the province. Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity would place the security of the country in an increased level of danger. ANPR is one of many tools used to help maintain national security and is not outweighed by the fact that disclosure would make the general public better informed about the system and its use.

Information disclosed under the Freedom of Information Act is made public to the world when released. Disclosure of the number of ANPR cameras within Northern Ireland would mean that any subsequent FOI request for other areas would be treated similarly. A series of disclosures for this information would mean that terrorists and criminal would be able to build up a picture of where such technology was deployed throughout the UK. Disclosure at a national level would encourage those with criminal intent to relocate and intensify their activities to areas that are less well covered by ANPR as they would have a renewed level of confidence in evading detection.

ANPR needs to be understood as a vital tool in safeguarding the security of the country and any disclosure that would impact on this must be of a greater importance to the public. ANPR is an internationally recognised tool that can significantly reduce volume crime, increase detection rates, tackle cross-border crime and provide vital intelligence for use in counter terrorist and serious crime work.

After weighing up the competing interests PSNI have determined that the disclosure of the information would not be in the public interest.

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.