



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011- 04025

Keyword: Crime

Subject: A detailed breakdown of the spend of £57.1m

Request and Answer:

Question

I recently received an FOI response from the PSNI in relation to the £200m the chief constable had lobbied the treasury for to combat the dissident threat. The FOI detailed that the funding received to date is £57.1m and that the PSNI anticipate Security Funding, amounting to an additional £142.4m to be made available by HM Treasury up to and including 2014-2015.

I would like to put in a fresh request for a detailed break down of what the £57.1m has been or will be spent on to date, as well as details on what the plans are for the remaining £142.4m.

Answer

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to partially disclose information in response to your question.

The Chief Constable of the PSNI has stated:

“This funding will be spent on investigation, on more detectives, more equipment, transport, air support and sustaining our street presence in neighbourhoods.”

Any further breakdown of the £57.1m and the plans for the future spend are exempted as follows:

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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31(1)(a)(b) Law Enforcement
Section 24(1) National Security

Section 31 is a qualified exemption which means that the legislators have identified that the evidence of harm and the public interest considerations need to be evidenced and articulated to the applicant. Section 24 is a qualified, prejudice-based exemption and requires evidence of harm and a Public Interest Test.

Harm

Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. To confirm the PSNI's expenditure plans to combat the dissident threat would provide intelligence to criminals about the status of the PSNI's tactics and methodology. Such awareness would seriously undermine the PSNI's ability to protect the community and place individuals at risk.

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

The PSNI is entrusted with a considerable amount of information and it has an important role in countering the many threats against society. In this instance, the dissident republican threat. The threat level for Irish related terrorism is set separately for Northern Ireland and Great Britain. In Northern Ireland it is severe and in Great Britain, substantial.

The protection of information is essential to its work and the release of any inappropriate information could compromise front line policing.

The success of criminal investigations is very often dependent on the use of both overt and covert techniques and methodology. The individuals involved in this type of activity, or any individual suspected by the criminal fraternities of being so involved, would have their safety put at risk, if the information were released that could identify any individual or policing activity.

Many criminals are constantly active and astute in their assessment of police capabilities and will capitalise on any information they can glean about policy and practice. Using the information to compromise policing methods will assist their offending behaviour. For example, enabling offenders to engage counter measures against disclosed police techniques and the priority spend in each area.

Releasing details of where this money is being spent would result in a reduced capability for law enforcement and a negative impact on future operational work. This would impact on the ability to prevent or detect crime and breakdown the maintenance of the ethos of confidentiality engaged with any member of public that assists the police, including Covert Human Intelligence Sources (CHIS).

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 for Section 31(1)(a)(b) Law Enforcement

Factors favouring 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 policing operations to ensure operations and investigations are conducted appropriately.

Factors against non disclosure

Where current or future law enforcement of the PSNI may be compromised by the release of information. In this case, for the reasons outlined in the evidenced harm, the effectiveness of current and future strategies for dealing with the dissident threat may be compromised and undermine the prevention and detection of crime.

By releasing this information to the world under FOI could potentially jeopardise the effectiveness of gathering intelligence and compromise the confidence the public has in the police service.

Public Interest Test for Section 24(1) National Security

Factors favouring disclosure

Disclosing information would allow the public to gauge the appropriate use of public funds in carrying out national security investigations. In addition it would provide appropriate transparency and reassurance that investigations are effectively carried out subsequently researched in order to provide valuable intelligence/information.

Factors favouring non disclosure

The PSNI continues to be responsible for gathering intelligence on crime and still provides the operational police response in countering terrorism and in protecting the whole community in Northern Ireland. Disclosure in this particular case would present a high risk in that the criminal and terrorist organisations responsible for any offences would be able to act on the information released thereby jeopardising security as they would be able to identify whether their actions have been detected and whether links have or have not been made with previous incidents. In some cases it is possible that such analyses may be assisted by intelligence supplied by one or more of the bodies listed at section 23(3) of the Act.

Balancing Test

When balancing the public interest test PSNI have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most persuasive reason for disclosure is Accountability which needs to be compared to the strongest negative reason, which in this case is Public Safety. The police service cannot and will not disclose information which will place the public at risk or undermine law enforcement thereby assisting those intent on committing crime.

Public safety and the ability to deliver effective law enforcement are of paramount importance to the Police Service. Disclosure of information would undoubtedly compromise both national security and investigations. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for release of the information is not made.

Also, as was firmly established at an Information Tribunal case of the Guardian Newspaper versus the Information Commissioner and the Avon and Somerset Constabulary, the public interest in disclosure of information which is exempt by virtue of a qualified exemption, is not justified just because it is what interests the public. Information released under FOIA, where exemptions apply, will only be done where there is a tangible community benefit which is more powerful than the harm that could be done. This does not apply in this case.

Additionally, PSNI can neither confirm nor deny any further information under Section 23(5) as the duty in Section 1(1) of the Freedom of Information Act does not apply by virtue of the following exemption:

Section 23(5) Information Supplied by, or concerning, certain Security Bodies

Section 23 is a class based absolute exemption and therefore there is no need to explain the public interest considerations in this area and therefore I am not required to comment any further.

No inference can be taken from this refusal that any relevant S23(5) 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.

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.