



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01514

**Keyword:** Crime

**Subject:** Hoax Incidents - Larne

### 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.

### Question

How many bomb scares, hoax or otherwise have been reported and dealt with by the PSNI/ATO in the Borough of Larne since January 1, 2011.

### Answer

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 23(5) Information supplied by or concerning certain Security Bodies  
Section 24(2) National Security  
Section 30(3) Investigations  
Section 31(3) Law Enforcement  
Section 38(2) Health and Safety

Section 23 is a class based, absolute exemption and there is no requirement to consider the public interest test.

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.

Sections 24, 31 and 38 are prejudice based, qualified exemptions and there is a requirement to articulate the harm caused by confirming or denying that the information is held as well as carrying out a public interest test.

### **Overall Harm with regard to Confirming or Denying that any other 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. To confirm or deny whether any information is held regarding bomb threats, would disclose the levels of police activity and confirm that ongoing investigations are or are not taking place. This would consequently be detrimental to our ability to be able deal with the on-going terrorist threat we face. To confirm or deny that this level of policing interest has or has not occurred in any specific area would also enable those engaged in criminal activity to identify the focus of policing targets. The release of such information would reveal policing tactics regarding who was of interest to the police generally. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

To confirm or deny that information was held would enable offenders to map across the province where police investigations are increased. This would help them to identify areas that are more vulnerable to terrorist activity and would demonstrate the capabilities and capacities the PSNI has for counter-terrorism. For example, to state that no information is held in one area and then exempt information held in another, would itself provide acknowledgement that investigations are being conducted at that second location. This would have the likelihood of identifying location-specific operations, enabling individuals to become aware of whether their activities have been detected. If a terrorist group knew they were being investigated this would lead to them going 'underground', destroying evidence or moving their operations to different locations, or avoiding those areas where police activity is concentrated. This would ultimately compromise police tactics, operations and future prosecutions. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

### **Section 24 – National Security**

#### **Factors favouring confirmation or denial**

The public are entitled to know how public funds are spent and by disclosing what the police are investigating would enable them to be better informed.

#### **Factors against confirmation or denial**

By confirming or denying that any information is held would render security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the province and increase the risk of harm to the public.

### **Section 30 - Investigations**

#### **Factors favouring confirmation or denial**

Confirmation or denial that information exists could provide reassurance to the general public that the monitoring of these criminals is conducted appropriately. The release of such information would

provide an insight into the police service and enable the public to have better understanding of the effectiveness of the police. The release of information could allow the public to make informed decisions about police procedures and the money spent in this business area.

#### Factors against confirmation or denial

By confirming or denying whether information is held in respect of bomb threats would hinder the prevention or detection of crime and impact on ongoing investigations.

This would impact on police resources and more crime would be committed, placing individuals at risk.

### **Section 31 – Law Enforcement**

#### Factors favouring confirmation or denial

By confirming or denying whether any information is held in respect of bomb threats, the public would see where public funds are being spent and would be able to take steps to protect themselves and their families. Better public awareness may reduce crime or lead to more information from the public as they would be more observant in reporting suspicious activity.

#### Factors against confirmation or denial

By confirming or denying whether any information is held in respect of bomb threats, law enforcement tactics could be compromised which would hinder the prevention and detection of crime. More crime would be committed and individuals would be placed at risk, which would impact on police resources.

### **Section 38 – Health & Safety**

#### Factors favouring confirmation or denial

The public are entitled to know what areas of criminal activity the police service allocate public funds to, therefore by confirming or denying that investigations have taken place around bomb threats, would lead to better informed public awareness and debate.

#### Factors against confirmation or denial

By confirming or denying whether any other information is held in respect of bomb threats, would increase the risks to individuals and there would be a loss of confidence in the police service to protect the well-being of the community. If criminals were aware that their activity was being investigated, they would move their operations. This would increase the risk of the terrorists remaining undiscovered and there would be substantial harm to the public if their criminal activities were allowed to continue undetected.

#### Decision

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the province is of paramount importance and the Police service will not divulge whether information is or is not held if to do so would place the community at risk or undermine National Security. There is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by terrorists. However, there is a very strong public interest in safeguarding both national security and the integrity of police investigations. As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security, this will only be overridden in exceptional circumstances.

It is therefore our 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.