



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F2011 02725

**Keyword:** Crime

**Subject:** Number of Kidnaps Reported in Fermanagh last 3 years etc

### Request and Answer:

#### Question

How often have kidnaps been reported in Fermanagh over the last three years. Also, what have the motives been, and how long were each of the people held for?

#### 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.

The difficult in obtaining this information was due to the fact that kidnap can be confused with other similar type offences. When being classified there are many similar offences such as false imprisonment, assault and blackmail amongst others. These offences can be dealt with by District and Headquarter Departments. Enquiries have revealed that there were two 'kidnaps' in Fermanagh recorded by PSNI Statistics Branch however these were related more to assaults than the public's perception of a kidnap, where individuals may be held for a ransom. The motive for one kidnap/assault is unknown and the second motive was a sectarian assault. Both incidents lasted less than one hour.

Where exemptions are relied upon Section 17(1) 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 any other information relating to hostage and kidnapping incidents 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 27(4) International Relations  
Section 44(2) Prohibitions on Disclosure

Section 40(5) Personal Information  
Section 30(3) Investigations  
Section 31(3) Law Enforcement  
Section 38(2) Health and Safety

Sections 23, 27 and 44 are class based absolute exemptions and there is no requirement to consider the public interest test in this area.

Section 40, subsections (1) and (2), is a class based absolute exemption, however Section 40(5) is not, as it is not listed in the schedule of absolute exemptions in Section 2(3). When citing Section 40(5) there is a requirement to articulate the public interest considerations to ensure that neither confirming nor denying that any other information exists is the appropriate response.

Section 30 is class based and qualified. Consideration must be given as to whether there is a public interest in neither confirming nor denying that information exists is the appropriate response.

With Sections 31 and 38 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in confirming or not that information is held as well as carrying out a public interest test.

### **Evidence of Harm**

The threat of kidnap continues to concern UK communities and law enforcement agencies. During 2008/09 police forces nationally reported 2,034 kidnappings to the Home Office, a slight increase on 2007/08, see below link:

<http://www.soca.gov.uk/threats/kidnap-and-extortion>

To confirm or not that any other information is held with regard to hostage and kidnapping incidents would confirm where exempt bodies and other law enforcement agencies may have an interest. To do so would undermine the expectation of trust and confidentiality of our partner agencies. This will damage future operational relationships between the police service and other departments.

There is a general expectation that information held by forces/services and exchanged with other agencies will be dealt with appropriately and securely in the knowledge that confidences will be maintained. To state that a force/service does not hold any other information pertinent to this request, would provide carte blanche to any criminal planning to carry out a kidnap in that force/service jurisdiction that there is a serious gap in their intelligence.

Conversely, to cite an exemption therefore confirming that other information is held, would automatically alert those engaged in the planning of a kidnap that the Police Service, and by inference other law enforcement agencies, are aware of their existence and/or activity. This awareness would enable those planning a kidnap to counter that intelligence by taking evasive action to avoid arrest. Maintaining an NCND stance with regard to any other information which may or may not be held protects the exchange of intelligence between forces/services and other agencies both nationally and internationally to ensure the effective delivery of law enforcement is not compromised.

The prevention and detection of crime is the foundation upon which policing is built. The Police Service has a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. By confirming whether or not the force/service does or does not hold any other information pertinent to this request could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

Victims who are taken hostage as part of a kidnap plot are extremely vulnerable. It is highly likely that when detaining a victim the use of force will be used without any regard for the individual concerned which has the potential to result in serious injury or even death. An example of this can be found at the below link which details where two victims were assaulted following abduction at a restaurant in South Yorkshire both requiring hospital treatment:

<https://www.westyorkshire.police.uk/?Page=2880|Police+Appeal+Following+Kidnap+And+Assault>

## **Public Interest Test**

### **Section 40**

#### **Factors favouring Confirmation or Denial that other Information is held**

Confirmation or denial of whether information is held by would provide the public with an awareness of what personal information is held with regard to kidnap/hostage incidents.

#### **Factors against Confirmation or Denial that other Information is held**

If confirmation or denying that information is held has the potential to identify an individual this would be a clear breach of 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.

### **Section 30/31**

#### **Factors Favouring Confirmation or Denial that Other Information is held**

There is confirmation within the public domain that exempt bodies have Anti Kidnap and Extortion Units which is designed to liaise with other law enforcement agencies and police forces/services with an endeavour to prevent kidnap and blackmail.

Disclosure would enhance the public's knowledge about where operational activity is located and would stop any incorrect rumours or falsehoods that may already exist.

Additionally, the public has a right to know that forces/services focus their attention and responsibility to investigate offences such as kidnap thoroughly and appropriately.

#### **Factors against Confirmation or Denial that any Other Information is held**

As stated within the harm to confirm whether or not any other information is held would compromise any ongoing criminal investigations/operations by revealing where there is current law enforcement activity and intelligence. This in turn would compromise the force's/service's ability and that of our partners to engage with each other in confidence. Ongoing or future operations into any planned kidnap/hostage situation would be compromised and tactics rendered less effective. This would affect the force's/service's future law enforcement capabilities.

### **Section 38**

#### **Factor favouring Confirmation or Denial that any Other Information is held**

Disclosure would provide a better awareness to the community in relation to this topic area enabling a better informed public debate to be undertaken. Furthermore, the community has a right to know that public funds are being resourced appropriately to target criminals intent on kidnapping individuals for financial gain.

#### **Factors against Confirmation or Denial**

By confirming whether or not any other information is held could jeopardise the personal safety of a

victim of kidnapping which may include any potential bystanders/witnesses to the crime.

If information is disclosed without regard to any repercussions the public would lose confidence in the force's/service's ability to protect victims of crime and the wellbeing of the general community.

### **Balancing Test**

The Police Service is tasked with the delivery of effective law enforcement ensuring the detection and prevention of crime. It is our belief that, irrespective of whether or not information is held, what is important is the ability to ensure investigations run smoothly and that liaison between other law enforcement agencies, forces and services has the ability to be undertaken with the utmost integrity. To reveal information which could highlight the operational activity of another agency would not be in the public interest.

Public safety is of paramount importance and the Police Service will not divulge whether information is or isn't held if to do so would place an individual at risk or undermine law enforcement. Additionally, confirmation or denial that any other information is held will not be undertaken if an ongoing investigation could be jeopardised or its outcome prejudiced in any way. Therefore, it is our opinion that for these issues the balancing test lies in favour of neither confirming nor denying that any other information is held.

No inference can be drawn from this response as to the existence or not of any other information requested.

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.