



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F 2011 00631

Keyword: Crime

Subject: RUC Mountpottinger records 26/27/28th June 1970 etc

Request and Answer:

With reference to the above, I have obtained copies of the records from HQ 39th Infantry Brigade relating to the events 26/27/28th June 1970 and because of this I want

1. copies of RUC MOUNTPOTTINGER records for 26/27/28th June to be made available. I know that other RUC records/logs have been made available.
2. The 2IC from 45 Commando reported from RUC Station MOUNTPOTTINGER to 39thHQ and I would like copies of these logs for 26/27/28 JUNE 1970.
3. I would like copies of the Kings Own Scottish Borders (KOSBY) logs for 26/27/28 JUNE 1970 especially the unit posted for a short time outside the Mater Hospital Belfast.
4. Extra Troops had been agreed to on 22nd June 1970 as per request from General XXXXXXXX and which the Chiefs Of Staff had approved. Where were these extra troops deployed.
5. During subsequent searches of the Short Strand area of Belfast guns and ammunition were found and I would like a copy of the forensic carried out on these weapons or at the very least a copy of all types of guns and ammunition found.

Clarification received from the Historical Enquiry Team (HET) dated 1ST March 2011:-

The requester explained she also requires:-

1. Any reports or documentation referring to the public disorder, riots, shootings in and around St Mathews Church, Newtownards Road, Bryson Street, Seaforde Street, Wolff Street and Gertrude Street over the three day period. The requester is not looking to obtain the investigation papers but rather police/army decisions regarding security force deployment or any information received about the disorder, particularly warnings of impending trouble from sources. The requester wants to know if there were incident logs, referring to other documents in the public domain, for example similar information regarding major disturbances at Ardoyne. The requester hopes to get as much information as other published incidents have merited.

2. The requester states that they have obtained records from 45 Commando, who were based at Mountpottinger Police Station. The requester also states that included in that documentation was a record of a communication dated June 27, 1970 from the 2IC to 39 Brigade HQ stating that two informants were in with the Detective Inspector (*she believes this may be XXXXXXXX*). The police had vouched for the informants and they stated there was going to be trouble at 2200hrs. The requester would like the police records if this occurrence. The requester would also like to have copies of any police or army records or incident logs held by police relating to the three days of troubles particularly if informants were involved.

3. The requester states that she has been given Kings Own Borders logs by the regiment and there is a record that a Kings Own snatch squad was sent to the Mater Hospital as a well known Republican, XXXXX had been shot and they were standing by to arrest him. At the last minute they were told to withdraw. The requester would like police records of this incident.

5. Regarding the arms finds the requester is particularly interested in .22 calibre weapons found.

Answer

Your letter dated 28th February 2011 was received by HET and it was that department that telephoned you on the 1st March 2011. You subsequently provided them with the above clarification. As you are seeking information under the Freedom Of Information Act (2000) (FOI) your request has been sent to this department to deal with.

PSNI would like to point out that, any information released under FOI, is publicly released to the world, not just to the individual requesting the information. At the end of this response, you will find that PSNI also advise that replies under FOI can be released into the public domain via our website @ www.psni.police.uk . For this reason, I have removed any reference you have made to personal details, where applicable, to protect confidentiality.

When considering a request for information under the FOI Act, PSNI must consider the following:

A public authority must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit. There are two distinct areas in relation to fees contained within the legislation.

The first area is relevant to the initial processing of a request when an authority, when estimating the time taken, can take into account the following four items:

- Determining if the information is held;
- Locating the information;
- Retrieving the information; and
- Extracting the information to be disclosed from the other information.

Section 17(5) of the Freedom of Information Act 2000 requires the PSNI, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated to determine if PSNI holds or does not hold all of the above requested information regarding question 1 would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000 which is currently set by the Secretary of State at £450 or 18 hours of work.

As RUC Mountpottinger was demolished at the end of 2010, to locate, retrieve and to extract any reports or documentation referring to question 1 would require approximately hundreds of archived paper records to be located from different areas and searched on an incident by incident, street by street basis for any records relevant to your request. This would be a lengthy exercise and would greatly exceed the cost limit

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

Section 16 Advice and Assistance

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit.

Unfortunately, due to the reasons already outlined above i.e. approximately hundreds of archived paper records would need to be located from different areas and searched on an incident by incident, street by street basis makes it extremely difficult for the PSNI to advise you how to refine your request to a point below the £450 cost limit. In addition, the fact that records of the time frame you are referring to are hard copy paper documents rather than electronic, only makes the search even more time consuming.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

In relation to questions 2, 3 and 4 the Ministry of Defence FOI Team may be able to assist you with your enquiries. They can be contacted on the following link:

www.mod.uk

If you have any queries regarding your request or this 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 can be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.