



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-03570

Keyword: Crime

Subject: National Security Agents run by PSNI and the Role they play

Request and Answer:

On behalf of CAJ please consider this a formal request for the following information:

Annex E of the Agreement at St. Andrews states, "The great majority of national security agents will be run by the PSNI, under the strategic direction of the Service."

Question

This is a request for the number of national security agents that are 'run' by the PSNI and what role (intelligence analysts/advisors) these agents play, and what arrangements are in place for their accountability to the Chief Constable.

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

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 exemptions apply.

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 30 (2) Investigations and Proceedings Conducted by Public Authorities

Section 24 is a prejudice based qualified exemption 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.

Section 30 Investigations and Proceedings conducted by the public authority is a class based qualified exemption which means that the legislators have identified that the public interest considerations need to be evidenced and articulated to the applicant.

The Harm and Public Interest considerations in respect of Section 24(1) are outlined below.

Overall harm for Section 24(1)

Modern day policing is intelligence led and it is a well-known fact that CHIS are used in the prevention of terrorism and they are a valuable intelligence tool in the fight against all types of crime. Any disclosure under FOI is a disclosure to the world so providing this information to a wider audience would hinder the prevention and detection of crime. By disclosing for instance, the role CHIS play, would seriously hinder the recruitment and retention of CHIS which in turn would undermine the policing process and lead to less intelligence. Disclosure of the sensitive information on how CHIS are managed would enable criminals to counteract police intelligence-gathering methods which would ultimately expose police tactics, jeopardise police operations and future prosecutions. This would be to the detriment of providing an efficient policing service and would compromise the key policing roles of preventing and detecting crime and protecting the public at large. Disclosure of information that undermines the operational integrity of police activities will adversely affect public safety and have a negative impact on law enforcement.

Factors favouring disclosure for Section 24

The public are entitled to know what public funds are spent on and a better informed public can take steps to protect themselves.

Factors favouring non-disclosure for Section 24

Disclosure of the information would render security measures less effective and ongoing or future operations to protect the security of the UK would be compromised.

Balance test

Although there is public interest in knowing how the police conduct their core business, the safety of the public and the prevention and detection of crime is paramount, and the police service will not disclose information that compromises law enforcement or undermines police tactics. The sensitive issue of the management of CHIS and the potential difficulties in recruiting and retaining CHIS, outweighs the public interest in knowing about police procedures. It is therefore our opinion that for these issues, the balance lies in favour of the non-disclosure of the requested information.

Section 30(2) Public Interest Considerations

Factors favouring disclosure for Section 30

There is information within the public domain confirming that police use CHIS to assist them with investigations and the effective delivery of law enforcement. Disclosure would enhance the public's knowledge about how information relating to CHIS is used by the PSNI and how the intelligence received assists in day to day investigations and operations to assist with the prevention and detection of crime +and the apprehension and prosecution of offenders. Disclosure would also assist in stopping any incorrect rumours or falsehoods relating to how the police store and manage how CHIS assist the police.

Factors favouring non-disclosure for Section 30

Disclosure of the information requested could identify CHIS activity within PSNI. Over a period of time if several disclosures were made, individuals could analyse the information and identify any sudden peaks or troughs in CHIS activity. This would hinder the prevention and detection of crime and also prejudice our ability to maintain confidential sources. Consequently, the PSNI's future law enforcement capabilities would be affected.

Balancing Test

There is information within the public domain confirming that police use CHIS to assist them with investigations and the effective delivery of law enforcement. The Police Service is tasked with protecting the community we serve and solving crime and there is a public interest argument in ensuring we are open and transparent with regard to policing investigations and operations. There is no doubt that for the issues outlined above any disclosure relating to sensitive CHIS information would jeopardise those important roles.

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.psni.police.uk

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