



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F 2011 02147

**Keyword:** Crime

**Subject:** Policing and monitoring of Northern Ireland's borders by PSNI

### Request and Answer:

I am writing to make a Freedom of Information Request regarding the policing and monitoring of Northern Ireland's borders by the Police Service of Northern Ireland.

With regard to Northern Ireland's border with the Irish Republic, as far as I am aware, at least some of the bus services (for instance the Belfast to Dublin Air coach) travelling from Belfast and other towns and cities in Northern Ireland travelling to Dublin and other locations in the Republic are (or at least have been in recent years) boarded and inspected by Garda. Similarly upon calling at its first stop in the Republic, at Dundalk, the Belfast to Dublin Enterprise train is by Garda, boarded and inspected.

#### Question 1

The information I wish to obtain regards, when inspection of inbound traffic into the Irish Republic is deemed necessary by the Garda Síochána, why are there no corresponding P.S.N.I. inspections of such traffic coming into Northern Ireland and the United Kingdom?

#### Question 2

Furthermore I wish to request information regarding, what measures of policing the border with the R.O.I. have been taken by the P.S.N.I, and their predecessor the Royal Ulster Constabulary, in the past?

#### Question 3

Similarly I enquire why there is no visible P.S.N.I. presence at Northern Ireland's ports (certainly the port of Belfast), when there is, for example, a Scottish police presence in Scotland, at their port of Stranraer?

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

I have today decided to disclose information in response your questions and neither confirm nor deny any further information pursuant to the provisions of Section 23 (5), 24 (2) and 31(3) of the Act.

#### Answer 1

There are no regular inspections of Cross Border Train or Bus services. Both trains and buses could

be boarded if required in response to a specific need and can be searched, as can any other vehicle, under powers provided by legislation such as PACE or the Terrorism Act.

Answer 2

The measures are in line with the Cross Border Policing Strategy as provided in the links below:

[http://www.psnipolice.uk/pr\\_cross\\_border\\_policing\\_strategy\\_published\\_121210](http://www.psnipolice.uk/pr_cross_border_policing_strategy_published_121210)

<http://www.octf.gov.uk/getattachment/304a94ab-a6bc-45dd-b3e5-8e857e2caf7e/Cross-Border-Crime-Assessment-2004.aspx>

<http://www.garda.ie/Documents/User/Cross%20Border%20Policing%20Strategy.pdf>

Answer 3

PSNI have Portal Officers who are deployed at all the main Air and Seaports.

The following link may also be of assistance to you:

[http://www.psnipolice.uk/project\\_kraken](http://www.psnipolice.uk/project_kraken)

Furthermore, PSNI can neither confirm nor deny that any further information under sections 23(5) and 24(2) as the duty in Section 1(1) (a) of the Freedom of Information 2000 does not apply by virtue of the following exemptions:

Absolute Exemption

Section 23(5) Information Supplied by or relating to Security Bodies

Qualified Exemptions

Section 24 (2) National Security

Section 31 (3) Law Enforcement

Section 23 is a classed based absolute exemption and therefore there is no need to explain the public interest considerations in this area. However, it is required that PSNI articulate the public interest considerations for the use of NCND within the Section 24 exemption and the Section 31 exemption.

Sec 24(2) National Security.

Factors favouring confirmation or denial :

Any confirmation or denial that the PSNI holds any further information would allow the public to gauge the appropriate use of public funds in this area of business. In addition it would provide appropriate transparency and reassurance that a Cross Border Policing Strategy is in place to combat criminal and terrorist activity.

Factors not favouring confirmation or denial:

Confirmation or denial of any further information would present a high risk in that individuals involved in criminality/ terrorism would be able to act on the information released thereby jeopardising the security or infrastructure of the United Kingdom. They would have prior knowledge of police capabilities and would be able to identify whether their previous actions have been detected and whether links have or have not been made with previous actions. 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. Sections 23(5) and 24(2) are therefore cited in conjunction to protect the involvement or non-involvement of security bodies.

Section 31(3) Law Enforcement.

Factors favouring confirmation or denial

Confirmation or denial of any further information that may or may not be held would assist the public

to be better informed about the manner in which the border is monitored. Also as highlighted above, there is already substantial information already in the public domain.

#### Factors not favouring confirmation or denial

The Cross Border Policing Strategy provides a valuable role in the prevention and detection of crime and the prosecution of offenders. PSNI operational techniques and capabilities would be placed at risk if any further information were to be released which significantly impacted on any current police methodology, tactics and procedures. Such a disclosure would seriously impact on the operational effectiveness of the PSNI in carrying out its law enforcement role.

#### Balance Test :

I am obliged to weigh up the above factors in order to determine whether the public interest lies in maintaining a neither confirm nor deny stance. In this case, the public benefit in being more aware of operational issues is outweighed by the potential risk to law enforcement and national security.

The PSNI has therefore determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to neither confirm nor deny outweighs the public interest in confirming whether or not information is held.

This is because the FOI Act 2000 places a legal obligation on public authorities to confirm in response to a request whether or not any information exists. Therefore without even disclosing the information, the application of an exemption would identify that information was held. A good example would be a simple question such as "Is John Smith a criminal?". To confirm no information is held would tell the world he is not one but to exempt the information would disclose that he is. In all such cases the only way to protect John Smith is to neither confirm nor deny whether the information does or does not exist.

No inference can be taken from this refusal that any further section 23(5), section 24(2) or section 31 (3) 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.psnipolice.uk](http://www.psnipolice.uk)

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

