



FREEDOM OF INFORMATION REQUEST



Request Number: F2011 03347

Keyword: Crime

Subject: Information on the Ulster Volunteer Force

Request and Answer:

Questions

I am currently writing a book on the Ulster Volunteer Force, an illegal terrorist grouping operating in Northern Ireland, and would like to request information held by the PSNI about the organisation under the Freedom of Information Act.

In particular I am interested in accessing information on the following individuals: Augustus 'Gusty' Spence, David Ervine, William 'Billy' Mitchell, William 'Billy' McCaughey, William 'Billy' Greer, Leonard 'Lenny' Murphy, William 'Billy' Moore, Hugh McClean, John Bingham, William 'Frenchie' Marchant and Trevor King. All of the aforementioned individuals were arrested, charged and imprisoned at various times in the 1970s and 1980s. They are all deceased. I would be interested, particularly, in accessing police files and photographs of these individuals.

I would also like to seek information on the activities of the UVF during the 'troubles'. Some of the high-profile acts of violence perpetrated by the organisation include: the Dublin and Monaghan bombings (17 May 1974), the Miami Showband killings (31 July 1975), Boyle's Bar, Cappagh, incident (3 March 1991), and the Loughinisland killings (18 June 1994).

I would be extremely grateful if you could inform me of the extent of your holdings on the UVF and how many active investigations are pending related to the organisation.

I would also like to know if the PSNI has a record of the number of UVF members and suspected members arrested, charged and prosecuted between 1966 and 2011.

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 that the cost of complying with your request for information on the number of UVF members and suspected members arrested, charged and prosecuted between 1966 and 2011, 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. Please note that when one part of a

request exceeds the cost, the whole request is considered over the cost.

As an example, to answer just one part of this question, each PSNI recordable offence would have to be individually researched for those charged and that list would have to be cross referenced with intelligence in order to link individuals to the UVF. For the one recordable offence of theft alone, in 2010 there were over 5,000 hits and at an estimate of 2 minutes to view each suspect would equate to 166 hours. That does not take into account the cross referencing with intelligence that would also have to be completed. Also, computer records only go back to 1990 and prior to that a paper case by case search and cross referencing would have to be carried out.

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 – Duty to provide 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. You could restrict your questions to one other part of your request, however, if you seek intelligence which is held by PSNI Intelligence Branch a number of exemptions may apply.

You may be interested to note the recent Metropolitan Police Service Decision Notices regarding Special Branch files held on individuals/organisations at the following web link:

<http://www.ico.gov.uk/Global/Search.aspx?collection=ico&keywords=Special+Branch>

PSNI Statistics are also available at:

http://www.psni.police.uk/index/updates/updates_statistics.htm

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.

If you have any queries regarding your request or this 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.