



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01308

**Keyword:** Finance

**Subject:** Cost of Security for Justice Minister David Ford

### Request and Answer:

#### Question

The cost so far of providing officers from Close Protection Unit to provide security Justice Minister David Ford?

#### Answer

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested.

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.

Where exemptions are relied upon Section 17 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 the information relevant to your request 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 31 (3) Law Enforcement  
Section 38 (2) Health and Safety

Sections 31 and 38 are prejudice based and qualified exemptions, therefore a Harm Test and Public

Interest Test are necessary.

### Harm Test Section 31

To confirm or deny that information relating to the cost of security measures taken to protect a government minister is held could be useful to terrorists and jeopardise the current or future law enforcement capabilities of the PSNI's Closed Protection Unit and the security commitments of the PSNI.

### Harm Test Section 38

Information that divulges whether or not security arrangements such as these are in place would be likely to increase the vulnerability of those in receipt of protection, of other members of the public, and of the Police Officers protecting them. The PSNI is charged with protecting the communities we serve. Confirmation or denial of this information could allow terrorists to ascertain levels of protection provided and expose individuals to significant risk of harm.

### Public Interest Test Section 31

#### Factors Favouring Confirmation or Denial

The PSNI has a duty of protection and the public have a right to know that financial resources are being used both adequately and responsibly.

#### Factors Against Confirmation or Denial

To confirm or deny that this information is held would clearly provide terrorists with valuable information that they could use to target individuals. Article 2 of the Human Rights Act 1998 imposes a positive obligation on police to protect life, including the lives of police officers. Confirmation or denial of the existence of this information would be useful to terrorists in targeting the police officers and the individuals they protect leading to a breach of Article 2.

### Public Interest Test Section 38

#### Factors Favouring Confirmation or Denial

The information requested relates directly to the accountability for public funds. Where public funds are being spent, there is a public interest in accountability and justification.

Confirmation or denial that the provision of protection exists would assist in the quality and accuracy of public debate, which is otherwise likely to be based on speculation and conjecture.

#### Factors Against Confirmation or Denial

Confirmation or denial of information concerning the cost of police resources used to protect individuals, taken on its own, or with other information already available, could place individuals at risk of attack. If someone was harmed there would be a loss of confidence in the in the Police Service to protect the well-being of the community. The threat to safety is not just to the recipient of protection but also to others attending events, public meetings or those near to a person receiving protection. Any attempt to threaten the life of one of these individuals would also threaten the health and safety of those in the vicinity

It is not in the public interest for unprotected members of the public to be placed in a position of vulnerability by confirming or denying who is in receipt of police protection.

### Decision

There is always a strong interest in the accountability of the Service, however, this must be balanced against the likelihood of subsequent harm that could be caused to individuals by the confirmation or

denial that this information is held. This is especially so in light of the current heightened security threat. On balance, the requirement to ensure that current and future law enforcement in relation to the security commitments of the PSNI is not compromised and the health and safety of individuals connected with the information, on this or on other instances when this type of information is requested, must take precedence over accountability of the Service and accountability for public funds.

However, this should not be taken as conclusive evidence that the information you requested exists 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.psni.police.uk](http://www.psni.police.uk)

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