



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-02541

**Keyword:** Human Resources

**Subject:** Briefing Procedures

### Request and Answer:

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

I have today decided to:

- fully exempt information in response to security procedures, pursuant to the provisions of Sections 31 and 38 of the Act and;
- disclose information in response to health and safety procedures in full;

### Question

Please provide the PSNI briefing procedures which are used relevant to security, health and safety and any other PSNI internal direction which are actioned on securing and employing the services of outsourced contractors, consultants and agency staff.

### Clarification received:

My query is related to the briefing of non-PSNI staff (i.e. consultants, agency staff) which is conducted by the commissioning PSNI department upon the appointment of such outsourced resources.

### Answer

Section 17 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 exemption applies.

The exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31(1)(a) – Law Enforcement, is a prejudiced based, qualified exemption this means that it is the Public Authority’s responsibility to evidence the Harm and carry out a Public Interest Test. Section 38 (1)(a)(b)– Health & Safety, is a prejudiced based, qualified exemption, this means that it is the Public Authority’s responsibility to evidence the Harm and carry out a Public Interest Test.

The briefing regime for staff is carried out via the various Departments and Districts. Standing Orders will be in operation governing a range of issues such as evacuation.

PSNI offer briefings to staff via Policenet, which is accessible by all staff. Additionally briefings will be delivered through Call-Sign, bespoke DVD and face to face meetings. However this information is not suitable for dissemination outside the organisation and has therefore been exempted under Sections 31 and 38 of the Freedom of Information Act.

A summary of the Harm for Sections 31 and 38, along with the Public Interest Test is provided below:

## **HARM**

### **Section 31**

Revealing material used to brief personnel on security matters could expose PSNI tactics and methodology, thereby making the organisation’s security measures more vulnerable to compromise/infiltration. This would be likely to result in law enforcement tactics being directly and seriously compromised as those with criminal intent could use the information to counter security measures taken by police and therefore hinder law enforcement.

### **Section 38**

Disclosing details of security briefing procedures could reveal security information and assist criminal elements to carry out attacks against police stations and police personnel. The Service is currently under threat from Dissident Republicans and releasing this information into the public domain could assist terrorists to circumvent security procedures making the Service and personnel vulnerable to attack.

## **Public Interest Test**

### **Factors Favouring Release – Section 31**

The PSNI must be accountable for their procedures. The public would be better informed about the measures in place.

### **Factors Favouring Retention – Section 31**

Disclosure of information relating to security procedures into the public domain would impact on the organisation. Exposing PSNI tactics and methodology could cause the organisation’s security measures to become vulnerable to compromise/infiltration. Law enforcement tactics could be compromised and those with criminal intent could use the information to counter security measures taken by police and therefore hinder law enforcement.

### **Factors Favouring Release - Section 38**

Releasing the information would promote openness and transparency. The public would be better informed about the procedures in place.

### **Factors Favouring Retention - Section 38**

Releasing this information into the public domain could assist terrorists and criminal elements to use a mosaic approach and link all information available to them to carry out attacks on PSNI personnel on or off duty and attack police premises. This would not only endanger police officers and police staff but also members of the public.

## Decision

I have determined that the release of procedural information into the public domain would not be in the public interest. The Service is currently under severe threat from Dissident Republicans and disclosure of this information has the potential to assist those criminal elements seeking to carry out attacks against police officers/police staff and police premises. Release of this information could compromise law enforcement and risk the safety of individuals. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives or property at risk. Disclosure could seriously endanger individuals, particularly in the present climate where dissident terrorists are currently known to be targeting and carrying out attacks on police personnel.

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain and not just to an individual.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice in relation to security briefing procedures and has therefore been closed.

In relation to health and safety procedures the PSNI Policy Directive 14/06 (Health and Safety) refers to the health, safety and welfare within PSNI. This policy can be accessed via the link provided below:

[http://www.psnipolice.uk/policy\\_directive\\_14-06\\_version\\_4.pdf](http://www.psnipolice.uk/policy_directive_14-06_version_4.pdf)

The Policy statement at Section 2 clearly sets out PSNI's statement of intent with regard to the health and safety of our employees and those affected by our activities.

Section 3(2) clearly sets out the application of the Policy Directive - "The Policy is aimed at all levels of the organisation and applies to all full-time and part-time police officers; members of police staff, including agency staff; student officers, secondees to the police and others to whom the police would appear to be the host employer, (collectively referred to as police staff) ".

Section 6 sets out the responsibilities of "Chief Officers, District Commanders, Heads of Branches or Departments" with regard to health, safety and welfare issues, including local information, instruction and training, risk assessments, contingency arrangements, consultation meetings and local safety committees.

Section 15 refers to the management of local Health and Safety Committees and the frequency and dissemination of minutes.

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.