



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02032

Keyword: Operational Policing

Subject: Security attacks / alerts Andersonstown / Falls Areas

Request and Answer:

Question

I wish to know how many security alerts/attacks there have been in the Andersonstown / Falls Road which was confirmed as being BT11 and BT12 areas of Belfast in the past year.

I would be grateful if you could give a breakdown of these alerts/attacks and which group was responsible for them

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 23(5) Information supplied by or concerning certain Security Bodies
- Section 24(2) National Security
- Section 30(3) Investigations
- Section 31(3) Law Enforcement

Section 23 is a class based, absolute exemption and there is no requirement to consider the public interest test.

Section 30 is a class based, qualified exemption and consideration must be given as to whether there is a public interest in neither confirming nor denying the information exists.

Sections 24 and 31 are prejudice based, qualified exemptions and there is a requirement to articulate the harm caused by confirming or denying that the information is held as well as carrying out a public interest test.

Overall Harm with regard to Confirming or Denying that any other information is held

The threat from terrorism cannot be ignored. It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a sustained threat from violent extremists. Since 2006, the UK Government have published the threat level, based upon current intelligence and that threat has remained at the second highest level, 'severe', except for two short periods during August 2006 and June and July 2007, when it was raised to the highest threat, 'critical', and in July 2009, when it was reduced to 'substantial'. Northern Ireland currently has a severe threat level.

Modern-day policing is intelligence led, and intelligence changes on a day-by-day basis. The role of the PSNI, along with other agencies, is to prevent and detect crime and terrorism, and thereby safeguard national security. Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. To confirm or deny whether any information is or is not held regarding security alerts/attacks, would disclose the levels of police activity and confirm that ongoing investigations are or are not taking place. This would consequently be detrimental to our ability to be able to deal with the on-going terrorist threat we face. To confirm or deny that this level of policing interest has or has not occurred in any specific area would also enable those engaged in criminal activity to identify the focus of policing targets. The release of such information would reveal policing tactics regarding who was of interest to the police generally. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

To confirm or deny that information was held would enable offenders to map across the province where police investigations are increased. This would help them to identify areas that are more vulnerable to terrorist activity and would demonstrate the capabilities and capacities the PSNI has for counter-terrorism. This would have the likelihood of identifying location-specific operations, enabling individuals to become aware of whether their activities have been detected. If a terrorist group knew they were being investigated this would lead to them destroying evidence or moving their operations to different locations, or avoiding those areas where police activity is concentrated. This would ultimately compromise police tactics, operations and future prosecutions. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement. These effects are not caused by the force level disclosure of the number of security alerts/attacks, but are the cumulative effect of breaking that information down to areas in Belfast and the group responsible for them.

Section 24 – National Security

Factors favouring confirmation or denial

The public are entitled to know how public funds are spent and by disclosing what the police are investigating would enable them to be better informed.

Factors against confirmation or denial

By confirming or denying that any information is held would render security measures less effective.

This would lead to the compromise of ongoing or future operations to protect the security or infrastructure of the province and increase the risk of harm to the public. This would place operational capabilities at risk as there are terrorists who would act on such information and use it to their advantage, jeopardising security.

Section 30 - Investigations

Factors favouring confirmation or denial

Confirmation or denial that information exists could provide reassurance to the general public that the monitoring of criminals is conducted appropriately. The release of such information would provide an insight into the police service and enable the public to have better understanding of the effectiveness of the police. The release of information could allow the public to make informed decisions about police procedures and the money spent in this business area. Confirming or denying that police intelligence is or is not held in relation to the attribution of security alerts / attacks would lead to a better informed public a more accountable service.

Factors against confirmation or denial

By confirming or denying whether information is held in respect of security attacks/alerts would reveal where current investigations are taking place and which groups the Police Service are investigating and this would impact ongoing investigations. This would in turn impact on police resources and more crime would be committed, placing individuals at risk.

Section 31 – Law Enforcement

Factors favouring confirmation or denial

By confirming or denying whether any information is held in respect of security attacks and security alerts, the public would see where public funds are being spent and would be able to take steps to protect themselves and their families. Better public awareness may reduce crime or lead to more information from the public as they would be more observant in reporting suspicious activity.

Factors against confirmation or denial

By confirming or denying whether any information is held in respect of security attacks and security alerts, law enforcement tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed and individuals would be placed at risk, which would impact on police resources.

Decision

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the province is of paramount importance and although there is a public interest in knowing that policing activity is appropriate and balanced in matters regarding national security this will only be overridden in exceptional circumstances. Whilst there is a public interest in the transparency of providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by terrorists or a terrorist attack, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this highly sensitive area.

It is therefore our opinion that for these issues the balancing test for confirming or denying whether or not any information is held on security alerts/attacks, is not made out. No inference can be taken from this refusal that the information you have requested does or does not exist. The PSNI will not divulge information if to do so would adversely affect any ongoing investigations. Whilst there is a public interest in the transparency of the law enforcement role of the Police Service and providing assurance that the PSNI is appropriately and effectively dealing with terrorist incidents there is a strong public interest in safeguarding the integrity of the police service.

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.