



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02325

Keyword: Operational Policing

Subject: Has The Chief Constable Completed And Passed PSNI Firearms Course

Request and Answer:

Question

Can you tell me please whether Chief Constable Matt Baggott has completed and passed the PSNI firearms training course?

Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31(1)(a) and (b) – Law Enforcement

Section 38(1)(a) and (b) – Health and Safety

Both Sections 31 and 38 are prejudice based and qualified exemptions so it is necessary for a public authority to state the harm that would or would be likely to be caused by release and carry out a Public Interest Test.

Harm Test

Section 31

The release of information in relation to firearms and whether officers are trained is a highly sensitive area. The lower the level of breakdown is, the higher the risk will be. Release of information of this nature in regard to a specific individual would be likely to present criminals with an opportunity to

commit crime against the person or persons associated with them. This would therefore both directly and indirectly impact on the prevention of crime and the apprehension of criminals by the PSNI.

Section 38

The disclosure of this level of detail would be likely to be valuable intelligence for terrorist groups thereby exposing both officers and the community at large to risk of attack.

To identify officers who are trained in the use of firearms would be inappropriate due to the ongoing terrorist threat as it potentially notifies those involved of the likely strengths they could encounter when mounting future operations. This potentially puts officers' and the public's lives at risk.

Public Interest Test

Factors Favouring Release – Section 31

When information disclosed relates directly to the efficiency and effectiveness of the service or its officers with regard to the prevention of crime, in this case when referring to officers trained in the use of firearms, it is a matter that the Service should hold up to public scrutiny to enhance accountability and justification.

Disclosure would enhance and contribute to the quality and accuracy of public debate with regard to the services ability to prevent crimes being committed.

Factors Favouring Retention – Section 31

Disclosures as to whether or not particular officers are firearms trained would be valuable knowledge to criminals and the current or future law enforcement role of the PSNI would be likely to be compromised by the release of information.

Factors Favouring Release – Section 38

The considerations favouring release in this case are generic and arise from the purpose and rationale for Freedom of Information legislation. The factors outlined above in favour of release under Section 31 are therefore also relevant to Section 38.

Factors Favouring Retention – Section 38

Release of this information would be likely to place at risk the lives of officers and those around them, including other officers, family and friends. This is because the information in question would be useful to terrorists planning to carry out attacks on the police service, which have in the past been known to be indiscriminate in nature, therefore endangering unsuspecting bystanders in addition to the intended target.

Decision

Releasing details of whether the Chief Constable is or is not trained in the use of firearms would not be in the public interest. The factors in favour of release are outweighed by the factors favouring non-release. Disclosing information in relation to firearms could assist criminals intent on carrying out attacks on police and in particular the Chief Constable. Potentially, this could increase the risk to public safety and endanger other officers. The safety of Police Officers is paramount and the PSNI will not disclose information which may put officers at risk. It is therefore considered that the need to withhold the information is greater than the public interest in disclosing it.

In this case I am satisfied that both exemptions at Sections 31 and 38 are applicable to this information. This therefore should be considered a refusal notice in relation to this request.

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.