



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01024

**Keyword:** Operational Policing

**Subject:** Suspect Devices

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information and the answers to your questions are as follows.

### Question

In the light of recent sad news, in the last 12 months, how many officers of the Northern Ireland Police force, who have diligently checked their vehicles, have found suspect devices?

And how many were found to be a positive threat?

### Answer

I have today decided to:

- disclose information in response to the first part of your question in full; and
- fully exempt information in response to “how many were a positive threat” pursuant to the provisions of Sections 24, 30 and 38 of the Act.

I can advise that in the time-frame requested there has been one reported incident where a police officer discovered a suspect device.

I have decided to exempt “how many were a positive threat” and 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 24(1) National Security;  
Section 30(1) Investigations;  
Section 38(1) Health and Safety.

Section 30 is a class based qualified exemption and consideration must be given as to whether there is a public interest in disclosing the information.

With Sections 24 and 38 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in disclosing the information as well as carrying out a public interest test.

### Harm and Public Interest Considerations

#### **Harm**

By disclosing the outcome from a statistical number the information is being broken down to a lower level. Identifying how many, if any, of the incidents were a positive threat would provide terrorist organisations with valuable information with regard the cases that the police have dealt with. This is further enhanced by the fact that such incidents, are by definition, criminal investigations. The statistical number of crimes is a common disclosure by the police, detail about those crimes is not, for the reason that this may prejudice investigations, expose people to harm and in the case of this type of incident affect the national security of the United Kingdom.

#### **Public Interest Considerations**

##### **Section 24**

###### For Disclosure

It could be argued that by providing the number of incidents would assist the community in understanding the level of activity around these issues. This knowledge would enable the public in general to take steps in order to protect themselves if they considered they were at risk as a result of the disclosure.

###### Against Disclosure

The PSNI currently faces unique pressures. Terrorist activity within Northern Ireland is a real and current threat and the PSNI has a duty of care to protect both their officers and the public they serve.

PSNI Assistant Chief Constable Drew Harris recently remarked – *“Attacks will happen and there will be very tragic consequences in respect of that. The large scale vehicle borne improvised explosives - those devices are very deadly and we really have only escaped fatalities by the skin of our teeth.”*

Providing information would identify investigative activity and potentially undermine a current ongoing investigation. Such action could undermine the security and/or infrastructure of Northern Ireland.

##### **Section 30**

###### For Disclosure

The Police Service has a duty to conduct criminal investigations and by providing information held would assist in meeting current public interest and provide transparency of policing operations.

###### Against Disclosure

Police investigations must retain an ability to withhold particular information in order to efficiently and effectively conduct enquiries and gather evidence as part of that investigative process.

##### **Section 38**

###### For Disclosure

Threats to life remain a real risk within Northern Ireland and the public require updated information as to the level of threat that currently exists for their own protection.

###### Against Disclosure

There is a significant and current threat to PSNI officers which includes the safety of other individuals and family members. Dissident groups appear intent on continuing their terrorist activity and the PSNI have a responsibility to protect the public in general.

### **Balancing Test**

Public safety and the security of Northern Ireland is of paramount importance and the Police Service must not divulge information if to do so would place the safety of an individual at risk or undermine National Security. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure is not made out.

Our reasons for non disclosure are also mitigated by the fact that the number of incidents is being placed in the public domain. This in itself satisfies the public interest in disclosure, something which is not further enhanced by the lower level of detail requested.

In addition to the above, PSNI is unable to confirm nor deny that any other information is, or is not held in relation to your request, by virtue of, 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 and Section 38(2) Health and Safety.

In other words there may be more or less incidents than the information we have disclosed and applied exemptions to.

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

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 is the appropriate response.

With Sections 24, 31 and 38 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

### Harm and Public Interest Considerations with regard to Confirming or Denying that the Information is held

#### **Harm**

By confirming or denying that any other devices were or were not found would inform the criminal fraternity that their attempts at terrorist activities had failed. Conversely, it could indicate police tactical capability including surveillance and resources.

#### **Public Interest Considerations**

##### **Section 24**

###### **For Disclosure**

It could be argued that by confirming that the information is held would make the community at large aware of where terrorist activity has occurred in the past. This knowledge would enable them to take steps in order to protect themselves.

###### **Against Disclosure**

Terrorist activity within the United Kingdom is a real and current threat and the Police Service has a duty of care to protect the public they serve.

By only citing exemptions or stating 'no information held' would identify investigative activity and potentially undermine a current ongoing covert investigation. Such action could undermine the

security and/or infrastructure of the United Kingdom.

### **Section 30 and Section 31**

#### For Disclosure

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve and there is a public interest in the transparency of policing operations.

#### Against Disclosure

Modern-day policing is intelligence led and the Police Service share information with other law enforcement agencies as part of the intelligence gathering process. Irrespective of whether information is or isn't held, the Police Service will never confirm low level terrorism offence detail which could undermine the partnership approach of information sharing or any investigation.

### **Section 38**

#### For Disclosure

Irrespective of whether information does or doesn't exist identifying locations where terrorist activity has occurred could provide the public with information which could assist in an improved and factual public debate.

#### Against Disclosure

There is the potential and significant risk to the physical or mental health of an individual or individuals. Offenders who are intent on carrying out terrorist behaviour will stop at nothing in order to get their views across. This can be evidenced from the tragic loss of life following the 7/7 bombings in London.

### **Balancing Test**

Public safety and the security of the country is of paramount importance and the Police Service will not divulge whether information is or isn't held if to do so would place the safety of an individual at risk or undermine National Security. Therefore, at this moment in time, it is our opinion that for these issues the balancing test for disclosure is not made out.

No inference can be taken from this refusal that the information you have requested does 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.psnj.police.uk](http://www.psnj.police.uk)

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