



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-00389

Keyword: Organisational Information/Governance

Subject: Additional Security Measures

Request and Answer:

Question

Between 2008 - 2009, correspondence from the PSNI indicated that additional security measures were put in place to protect the following parties;

(named individual)

(named individual)

(named individual)

In accordance with the FOI Act, I would be grateful if the PSNI would disclose the expenditure and costs associated with those additional measures.

NB: Note that whilst I have been advised that these measures were put in place, I have received no indication that they (the measures), were in actual fact put in place in the first instance.

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
Section 40 (5) Personal Information

Section 31 and Section 38 are both prejudice based, qualified exemptions. Therefore a Harm Test and Public Interest Test are necessary.

Section 40 (5) is a class based, absolute exemption, therefore it is not necessary to evidence the harm caused by disclosure. However, for the purposes of neither confirming nor denying that the information is held, a Public Interest Test must be carried out.

Harm Test

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. To confirm or deny that cost information is held in relation to additional security measures for certain named individuals would in itself confirm whether security measures were indeed put in place for these personnel. This could allow terrorists to ascertain levels of protection provided and expose personnel to significant risk of harm.

Public Interest Test

Factors favouring confirmation or denial Section 31

The PSNI has a duty to protect both its officers and the community and the public have a right to know that resources are being used both adequately and responsibly to do this.

Factors against confirmation or denial Section 31

Confirmation or denial of this information would clearly provide terrorists with valuable information that they could use to target officers. 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 information concerning additional security for particular officers would increase risk to those officers and the members of the community who they protect, whether on this occasion or future occasions, breaching Article 2.

Factors favouring confirmation or denial Section 38

Confirmation or denial would allow the public to understand how public funds are spent and lead to better informed public awareness and debate.

Factors against confirmation or denial Section 38

Confirmation or denial of whether this information is held would be likely to place officers at risk of attack and jeopardise their health and safety. This would result in a loss of confidence in the public authority to protect the well being of the community.

Factors Favouring Confirmation or Denial Section 40

Confirmation or Denial of the existence of the requested information would enable the public to have a better knowledge of what information is recorded by PSNI and therefore a better understanding of

the decision making process when it comes to the disclosure of personal details.

Factors Against Confirming or Denying Section 40

To confirm or deny that the requested information is held would amount to the processing of personal information in breach of the Data Protection Act and requests for such information should be made under that legislation.

Decision

Whilst there is a public interest in the transparency of the use of public funds and the accountability of the Service, there is also a strong public interest in maintaining confidence in the PSNI with regard to its handling of individual's personal data. The PSNI should not process such personal data in breach of the DPA in order to satisfy any request under FOI and the exemption under Section 40(5)(a) of the Freedom of Information Act exists for this purpose.

I have also taken into consideration of the likelihood of serious threat and the subsequent harm that could be caused to officers by confirming or denying that the requested information is held.

The decision in this case therefore must favour the maintenance of the Neither confirm nor Deny stance by the PSNI.

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.

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

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