



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01286

**Keyword:** Road Policing

**Subject:** Prosecution Case - Previous request F-2010-02382

### Request and Answer:

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

I have today decided to:

- disclose records in relation to questions 1, 2 and 4 in full and;
- fully exempt records in relation to question 3, pursuant to the provisions of Section 30 (1)(a)(b)(c)

For the purposes of your request you clarified the name, address, car registration and notice number of the case you were referring to. You also requested an additional two questions.

### Question 1

At what level was the above case referred to be heard at court (Newry)?

### Answer

The file was prepared by 1st line management (EOII grade) and signed off by their supervisor (EOI grade) who then forwarded it to the Public Prosecution Service (PPS). The papers were assessed by the PPS and directions issued to prosecute.

### Question 2

I sent a letter in but got no reply (letter outlining my case).

- a) Why was this?
- b) What action was taken to investigate the matter further?

### Answer

Fixed Penalty Processing Centre has confirmed that all correspondence has been answered. With regards to the action to investigate this matter further FPPC has advised that, having assessed all pertinent documents, PSNI followed correct procedure in processing the alleged offence and the decision not to pursue the case any further was taken by the Public Prosecution Service.

#### **Question 4**

Rank or position of the person who decided to take this.

#### **Answer**

Please see response to Question 1.

#### **Question 3**

All relevant information that was used to decide to take this matter to court.

#### **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 information you have requested is exempt from disclosure under the Freedom of Information Act 2000. The exemption applicable is as follows:

Section 30 (1)(a)(b)(c) – Investigations is a class based, qualified exemption and therefore a Public Interest Test must be carried out.

### **PUBLIC INTEREST TEST**

#### **Factors Favouring Release – Section 30**

There is a general public interest in the accountability of public bodies for their actions. Release will reassure the public that correct procedures are carried out and accurate, evidential information used.

#### **Factors Favouring Retention – Section 30**

The information requested was recorded by the authority for the purposes of an investigation and would form part of a prosecution file. Police investigations are conducted with due regard to the confidentiality and privacy of any persons involved.

### **DECISION**

The information requested would form part of a prosecution file with regard to any penalty tickets, issued as a result of the use of the laser and vehicle in question on the date mentioned. Disclosing the details of the incident could compromise any investigation and/or the outcome of any possible prosecution.

Under the Freedom of Information Act 2000 any information disclosed is released into the public domain not just to the individual requesting the information. Police investigations are conducted with due regard to the confidentiality and privacy of any persons involved.

An independent internal review in relation to a previous FOI request F-2010-00650 disclosed all information, considered suitable for public consumption, in relation to this incident.

In compliance with Section 16 of the Act, Duty to Assist, I can advise you that members of the public can apply in writing or telephone directly to the Fixed Penalty Processing Centre, to arrange an appointment to view the relevant speed detection, video evidence. Viewing generally takes place during office hours at a viewing suite at PSNI Lisnasharragh. An appointment is required prior to

viewing to ensure the relevant tape is readily available.

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.psni.police.uk](http://www.psni.police.uk)

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