



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-02359

Keyword: Crime

Subject: Handguns .32 British Revolver Cartridge

Request and Answer:

I refer to a previous FOI request No. F-2012-00323 which relates to the number of handguns chambered for the .32 British revolver cartridge that have been used in acts of terrorism.

Question 1

Of the 24 handguns referred to in the initial PSNI response dated 15 February 2012, how many uses are recorded/attributed against each firearm?

Question 2

When was the last recorded date of use of any firearm chambered for the .32 British revolver cartridge?

Question 3

Of the 24 handguns referred to in the initial PSNI response dated 15 Feb 2012, when was the last recorded "find/recovery" of a handgun, chambered for the .32 British revolver cartridge?

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(1) 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, Section 30 (1)(a) as well as the factors the Department considered when deciding where the public interest lies, are listed below:

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. Modern day policing is intelligence led. To disclose to the world specific detailed information relating to terrorism incidents would provide valuable information to members of terrorist organisations by highlighting what evidence the police have.

This could clearly lead to investigations being compromised.

Section 30 (1) (a) Investigations and Proceedings

Section 30 is a class based qualified exemption that means that the legislators have identified that only the public interest considerations need to be evidenced and articulated to the applicant and not the harm (prejudice).

Public Interest Test

Section 30 Factors Favouring Disclosure

Police investigations are publically funded and disclosing the information will aid the public's evaluation as to whether funds have been well spent.

Section 30 Factors Favouring Non-Disclosure

The requested information released into the public domain could undermine current/future investigations. Disclosing the information could assist the perpetrators of the crime by releasing information pertinent to the investigation thus prejudicing the investigative function.

Balance Test

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighted against each other. The most persuasive reason for disclosure is Use of Public Funds which needs to be compared to the strongest negative reason, which in this case is the negative impact on unsolved investigations.

The proper detection and investigation of crimes are cornerstones of a modern democratic society. Releasing the information would reduce and hamper the police's ability to investigate crime, due to the nature of the information, by making it known that the police are aware of the firearm type and calibre used in each incident.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst such information may be released, if it provides a tangible community benefit, for example, to prevent or detect crime or to protect life or property, it is hard to see how the information requested here will do so as each cartridge has been used in an act of terrorism.

Whilst there is a public interest in the transparency of investigations and providing assurance that the police service is conducting investigations to their best ability, there is a very strong public interest in safeguarding the integrity of police investigations and protecting the rights of an individual to a fair trial. It is therefore our opinion that the balance lies in favour of the non-disclosure of the information requested.

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.