



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-03053

Keyword: Crime

Subject: Payments to CHIS

Request and Answer:

Question

I would like to receive figures for the total annual expenditures of your police force on police informants for the financial years from 2007/8 to 2011/12. I would like the information to be presented in the following format;

2007/8: 2008/9: 2009/10: 2010/11: 2011/12;

Answer

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

2007/8 - £194,671.00
2008/9 - £299,000.00
2009/10 - £405,115.00
2010/11 - £395,800.00
2011/12 - £434,000.00

Additionally, the PSNI can neither confirm nor deny that they hold any other information relevant to the whole of your request by virtue of the following exemptions:

Section 23(5) Information relating to security bodies listed at Section 23(3)
Section 24(2) National Security

This notice therefore acts as a refusal notice under the provisions of S17(4) of the Freedom of information Act 2000.

Section 23 Information supplied by, or relating to, bodies dealing with security matters

Section 23(5) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection 23(3).

This is an absolute exemption and I am therefore not required to complete a public interest test.

Section 24 National Security

Section 24 (1) Information which does not fall within section 23(1) is exempt information if exemption from section 1(1) (b) is required for the purpose of safeguarding national security.

Section 24 (2) The duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1) (a) is required for the purpose of safeguarding national security.

In addition to forces rewarding Covert Human Intelligence Source (CHIS) from their annual budget for straightforward criminal investigations there is also provision for partner agencies to sometimes provide additional funds in order to deal with terrorism and national security matters. This partnership approach to gathering sensitive information has been publicly acknowledged through published documents such as the HMIC Thematic report entitled 'A Need to Know'.

<http://inspectors.homeoffice.gov.uk/hmic/inspections/thematic/antk/them03-antk.pdf?view=Binary>

The police service works in partnership with other agencies in order to combat issues such as terrorism and organised crime. As such, information may sometimes be provided by bodies listed at section 23(3). In this case, I am unable to confirm or deny whether the PSNI hold any other information relevant to your request and sections 23 (5) and 24(2) are cited to protect the involvement or non-involvement of bodies listed at section 23(3).

Section 23(5) is an absolute exemption and as such no public interest test is required. Section 24(2) is a qualified exemption and as such there is a requirement to complete a test of the public interest in confirmation or denial.

The above quoted total payments to CHIS does not include any payments made to CHIS where funding may have been supplied by exempt bodies.

Harm

Disclosure of CHIS data could impact on the recruitment and retention of CHIS in general, due to the perception of (rather than the actual) risk of identification. In a recent Information Tribunal case relating to the payments made to CHIS in Croydon (EA/2010/0006), it was accepted that this argument applied as much to CHIS providing intelligence in relation to national security concerns as to CHIS engaged in countering more traditional criminal threats. In this way, the disclosure of payment information would damage national security through discouraging current national security CHIS from cooperating with the police service in other geographical areas, or preventing the recruitment of national security CHIS in the future – regardless of whether the area in question actually currently runs CHIS reporting on serious crime, terrorist or other threats.

Public Interest Test

Section 24

Factors favouring confirming or denying that any other information is held

Confirmation or denial that any other information exists relevant to the request would lead to a better informed public and the public are entitled to know how public funds are spent. The information simply relates to national security and disclosure would not actually harm it.

Factors against confirming or denying that any other information is held

Other organisations outside the police service are also widely engaged in rewarding CHIS in a number of ways, and therefore by confirming or denying that any other information exists relevant to the request would harm the close relationship that exists with such organisations, where trust and confidence in this specific area has been built up in the exchange of information and financial assistance during the Criminal Justice process.

To confirm or deny whether the PSNI hold any additional information would allow inferences to be

made about the nature and extent of national security related activities which may or may not take place in a given area. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Balancing Test

The police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the police service will not divulge whether information is or is not held if to do so would place the safety of an individual at risk or undermine national security. Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this highly sensitive area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security, this will only be overridden in exceptional circumstances.

It is therefore our opinion that for these issues the balancing test for confirming or not that information is held is not made out.

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.