



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-03288

Keyword: Organisational Information/Governance

Subject: Smithwick Tribunal

Request and Answer:

Question

You may have misunderstood my letter to the Chief Constable.

There is no variance, of which I am aware, around my evidence to the Smithwick Tribunal and the evidence of the witnesses that I referred to in my initial letter; I cannot see the contrary evidence to which you refer.

Outside of the Tribunal I simply want to know why as a local police officer in Newry in the 1970/80s I was not informed that a Garda officer(s) from Dundalk was suspected of passing information to terrorists. This information was known to some in the Military and to some in the RUC who have sworn they reported the information to HQ, presumably so an investigation could take place. Indeed, it is inconceivable that a major investigation would not have been undertaken.

Despite the passage of time, an investigation of such seriousness would surely, in any professional organisation, be a matter of record and not dependent on corporate memory.

1. Can you confirm there was an investigation into this information that a Garda in Dundalk was passing information to terrorists, the detail of an investigation of such import would surely have been shared with Ministers and others engaged in sensitive cross border travel?

2. If there was such an investigation there should be a record. The record should confirm when the local police at Newry, Ministers and others were advised of the investigation and of the outcome.

Answer

The Police Service of Northern Ireland (PSNI) have conducted searches of the police estate for any documentation or information that may assist in clarifying whether or not uniformed officers were warned of such risk. No such documentation or information has been located. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access. Therefore we cannot confirm or deny that such a warning was given.

The PSNI would also highlight that the Tribunal has been provided with all relevant documents and that the PSNI has fully cooperated with all requests made by the Tribunal. The PSNI would also indicate that all assistance that can be given to the Tribunal is actively being given.

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.