



FREEDOM OF INFORMATION REQUEST



Request Number: F-2013-06131

Keyword: Crime

Subject: Store Investigated For Meat Fraud

Request and Answer:

Question

Where was the store investigated by police here please;- <http://www.bbc.co.uk/news/uk-northern-ireland-25349183>

Clarification: not looking for precise address, approx will do, nearest town / village etc.

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/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 30(1)(a) – Investigations

Section 30 is a class based exemption which means that the legislators have said that there is no requirement to conduct a harm test. It is also a qualified exemption which means that a public interest test must be carried out.

Public Interest Test - Section 30

Factors Favouring Release

There is a public interest in transparency and accountability in ensuring that investigations are properly conducted and that a prosecution has not collapsed because of procedural failure or mismanagement. Releasing the requested information could promote public trust in providing transparency and increase public awareness into food crime whilst demonstrating openness and

accountability into the level of investigations into the store that was at the centre of the report referred to in your request. The public interest will always be in providing appropriate information that police investigations are being carried out efficiently and effectively.

All police investigations will involve the use of public funds and where this is the case there is always a public interest in ensuring that those funds are not used unnecessarily or unwisely.

Factors Favouring Retention

The PSNI consider that the release of any information could seriously undermine investigations and adversely affect the detection of crime and the prosecution of offenders. This would lead to investigations being prejudiced and would affect the PSNI's future investigative capabilities if such information was released before the investigation had been concluded. Investigations may be prejudiced by the premature release of information resulting in loss of evidence or alerting a potential suspect.

In addition the right to a fair trial may be undermined by premature release of information resulting in trial by media.

Decision

I am satisfied that where information was collected as part of an investigation, that the public interest factors favouring retention will outweigh those favouring release as the interests in accountability can rarely defeat the interests in a fair investigation and trial.

Whilst the PSNI would always wish to be transparent and accountable, no release under FOI should be made where an investigation would be adversely affected.

The public interest in releasing the requested information is outweighed by the interest to present and future investigations being protected. I am therefore satisfied that in this case, the public benefit in being more aware of the investigation details is outweighed by the potential risk to this and future investigations.

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.