



FREEDOM OF INFORMATION REQUEST



Request Number: F-2013-04689

Keyword: Operational Policing

Subject: Cameras at North of Saintfield Village

Request and Answer:

Question

Can you clarify if these cameras are used to issue speeding tickets?

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 31(1)(a)(b) – Law Enforcement

Section 31 is a qualified prejudiced based exemption which means that the legislators have identified that the harm as well as the public interest test needs to be evidenced and articulated to the applicant.

Harm

Under the Freedom of Information Act (2000) any information is released into the public domain, not just to the individual requesting the information. The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole. The protection of information is essential to policing activities and operational procedures must be protected by the correct application of exemptions. The release of this type of information would rarely be in the public interest and may reduce the PSNI's capability to perform its overall functions under the Police (NI) Act 2000, which states: "It shall be the general duty of police officers –

- (a) to protect life and property

- (b) to preserve order
- (c) to prevent the commission of offences
- (d) where an offence has been committed, to take measures to bring the offender to justice.

Public Interest Test

Factors Favouring Release

There is a general public interest in the way that police undertake Law Enforcement work and for public bodies to be accountable for their actions. Releasing the requested information could promote public trust in providing transparency in the way police seek to protect public safety on the roads and would demonstrate openness and accountability. To confirm if the cameras are used to issue speeding tickets could also show that public funds are being used effectively and appropriately in the area of road safety.

Factors Against Release

Releasing details on what the cameras are used for could adversely affect the PSNI's ability to fulfil its Law Enforcement responsibilities. Law enforcement could be undermined by releasing tactics and methodology the PSNI use in protecting road users and this could aid those breaking the law to avoid detection thus increasing the risk to the public at large.

Decision

The PSNI has a duty to fulfil its law enforcement role and whilst there is a public interest in the transparency of policing activities, the delivery of effective law enforcement is a priority. Criminal elements could use the information requested to evade police, directly undermining their law enforcement role and adversely impacting on the safety of other road users. The Police Service will not disclose information that could put lives at risk as the safety of individuals is of paramount importance.

In addition, the PSNI neither confirms nor denies that it holds any other information relevant to your request by virtue of the following exemptions:

Section 24(2) - National Security
Section 31(3) - Law Enforcement

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

Harm

Confirming or denying that any other information is held regarding the use of these cameras may allow individuals to take steps to avoid detection and could be used to the advantage of terrorists or criminal organisations. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

Section 24

Factors favouring confirmation or denial

The information if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding these cameras is held would lead to a better-informed public.

Factors against confirmation or denial

By confirming or denying whether any other information is held would render 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.

Section 31

Factors favouring confirmation or denial

By confirming or denying that information is held would enable the public to see where public funds are being spent. Better public awareness may reduce crime or lead to more information from the public.

Factors against confirmation or denial

Law Enforcement tactics would be compromised by confirming or denying that information exists which could hinder the prevention and detection of crime. There is also potential for more crime to be committed and individuals placed at risk.

Balance Test

The Police service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or compromise law enforcement. 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 posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations. It is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding the cameras in your request, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

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.psnipolice.uk

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